

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA, )  
 ) CR-18-00258-EJD  
 PLAINTIFF, )  
 ) SAN JOSE, CALIFORNIA  
 VS. )  
 ) MARCH 15, 2022  
 RAMESH "SUNNY" BALWANI, )  
 ) VOLUME 5  
 DEFENDANT. )  
 ) PAGES 692 - 966

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TRANSCRIPT OF TRIAL PROCEEDINGS  
BEFORE THE HONORABLE EDWARD J. DAVILA  
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

FOR THE PLAINTIFF: UNITED STATES ATTORNEY'S OFFICE  
BY: JOHN C. BOSTIC  
JEFFREY B. SCHENK  
150 ALMADEN BOULEVARD, SUITE 900  
SAN JOSE, CALIFORNIA 95113  
  
BY: ROBERT S. LEACH  
KELLY VOLKAR  
1301 CLAY STREET, SUITE 340S  
OAKLAND, CALIFORNIA 94612

(APPEARANCES CONTINUED ON THE NEXT PAGE.)

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PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY  
TRANSCRIPT PRODUCED WITH COMPUTER

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A P P E A R A N C E S: (CONT'D)

FOR DEFENDANT BALWANI: ORRICK, HERRINGTON & SUTCLIFFE LLP  
BY: SHAWN ESTRADA  
SACHI SCHURICHT  
THE ORRICK BUILDING  
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BY: JEFFREY COOPERSMITH  
AMANDA MCDOWELL  
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BY: STEPHEN CAZARES  
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BY: AMY WALSH  
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NEW YORK, NEW YORK 10019

ALSO PRESENT:

OFFICE OF THE U.S. ATTORNEY  
BY: MADDI WACHS, PARALEGAL  
SARA SLATTERY, PARALEGAL

UNITED STATES POSTAL INSPECTION SERVICE  
BY: CHRISTOPHER MCCOLLOW

FEDERAL BUREAU OF INVESTIGATION  
BY: MARIO C. SCUSSEL

UNITED STATES FOOD & DRUG  
ADMINISTRATION  
BY: GEORGE SCAVDIS

JURY CONSULTANT  
BY: DAVID PERROTT

1 SAN JOSE, CALIFORNIA

MARCH 15, 2022

2 P R O C E E D I N G S

08:41AM 3 (COURT CONVENED AT 8:41 A.M.)

08:41AM 4 (PROSPECTIVE JURY PANEL OUT AT 8:41 A.M.)

08:41AM 5 THE COURT: LET'S GO ON THE RECORD IN 18-258,  
08:41AM 6 UNITED STATES VERSUS BALWANI.

08:41AM 7 FOR THE GOVERNMENT?

08:41AM 8 MR. SCHENK: GOOD MORNING, YOUR HONOR.

08:41AM 9 JEFF SCHENK ON BEHALF OF THE UNITED STATES.

08:42AM 10 I'M JOINED AT COUNSEL TABLE BY ROBERT LEACH, JOHN BOSTIC,  
08:42AM 11 AND POSTAL INSPECTOR CHRISTOPHER MCCOLLOW.

08:42AM 12 THE COURT: THANK YOU. GOOD MORNING EVERYONE.

08:42AM 13 FOR THE DEFENSE?

08:42AM 14 MR. COOPERSMITH: GOOD MORNING, YOUR HONOR. THANK  
08:42AM 15 YOU.

08:42AM 16 JEFF COOPERSMITH FOR MR. BALWANI WHO IS PRESENT.

08:42AM 17 I'M ALSO JOINED BY MY COLLEAGUES AMY WALSH, SHAWN ESTRADA,  
08:42AM 18 AMANDA MCDOWELL, AND DAVID PERROTT, WHO IS OUR JURY CONSULTANT.

08:42AM 19 THE COURT: GOOD MORNING EVERYONE.

08:42AM 20 THIS IS THE DATE AND TIME WE HAVE SET TO CONTINUE OUR JURY  
08:42AM 21 SELECTION PROCESS.

08:42AM 22 LET ME INDICATE THAT I DID RECEIVE YESTERDAY, AFTER I HAD  
08:42AM 23 ASKED THE PARTIES TO MEET AND CONFER REGARDING ANY POTENTIAL  
08:42AM 24 STRIKES FROM THE REMAINING PANEL, AND I'D LIKE TO READ THOSE  
08:42AM 25 NUMBERS IN.

08:42AM 1 THEY ARE 188, 190, 192, 194, 223, AND 240.

08:42AM 2 ARE THESE THE NUMBERS THAT THE PARTIES SUBMITTED FOR  
08:42AM 3 AGREED UPON STRIKES?

08:43AM 4 MR. SCHENK: YES, YOUR HONOR, FOR HARDSHIP.

08:43AM 5 MR. COOPERSMITH: YES, YOUR HONOR.

08:43AM 6 THE COURT: ALL RIGHT. THANK YOU.

08:43AM 7 I'VE REVIEWED THESE AND I WILL STRIKE THOSE JURORS FROM  
08:43AM 8 OUR PANEL FOR HARDSHIP. SOME WERE TRAVEL AND SOME WERE RELATED  
08:43AM 9 TO CHILD CARE, FINANCIAL, AND I THINK THERE WAS ONE INDIVIDUAL  
08:43AM 10 WHO HAD GREAT CONCERNS ABOUT FAMILY IN THE UKRAINE, AND WE  
08:43AM 11 THOUGHT BEST TO EXCUSE THAT JUROR AS WELL AT THIS TIME.

08:43AM 12 SO THANK YOU FOR THAT.

08:43AM 13 WE HAVE -- I'M TOLD OUR PANEL IS COLLECTING, WILL BE  
08:43AM 14 COLLECTING MOMENTARILY AND WE'LL CALL THEM UP TO BEGIN VOIR  
08:43AM 15 DIRE.

08:43AM 16 I'M INFORMED THAT JUROR NUMBER 224 RANG THIS MORNING  
08:43AM 17 WITH -- APPARENTLY HAD COVID SYMPTOMS. SO THAT JUROR WAS --  
08:44AM 18 WILL NOT BE COMING IN, 224.

08:44AM 19 JUROR 236 EXPRESSED AND INFORMED THE CLERK THAT THAT JUROR  
08:44AM 20 HAS A ZOOM INTERVIEW, AN EMPLOYMENT INTERVIEW, I BELIEVE, AT  
08:44AM 21 1:00 P.M.

08:44AM 22 THAT JUROR WAS TOLD TO STAY TUNED, AND WE'LL SEE WHAT WE  
08:44AM 23 CAN DO.

08:44AM 24 MR. COOPERSMITH: WHICH NUMBER WAS THAT, YOUR HONOR?

08:44AM 25 THE COURT: 236, 2-3-6.

08:44AM 1 MR. COOPERSMITH: THANK YOU, 236.

08:44AM 2 THE COURT: ALL RIGHT. ANYTHING THAT THE PARTIES  
08:44AM 3 WOULD LIKE TO BRING UP BEFORE WE BRING OUR PANEL UP?

08:44AM 4 MR. COOPERSMITH: YES, YOUR HONOR.

08:44AM 5 I HANDED UP A LIST THIS MORNING, OR GAVE IT TO  
08:44AM 6 MS. ROBINSON, AND GAVE THE GOVERNMENT AS COPY AS WELL.

08:45AM 7 AND WHAT THE LIST DOES IS JUST LOOK AT THE QUESTIONNAIRES  
08:45AM 8 IN THIS PANEL 3 THAT IS COMING IN THIS MORNING, AND IDENTIFIES  
08:45AM 9 IN THE FIRST TWO PAGES ADDITIONAL HARDSHIP CASES THAT MIGHT BE  
08:45AM 10 AN ISSUE, AND THEN SOME ADDITIONAL CAUSE ISSUES.

08:45AM 11 I WANT TO SAY, THOUGH, THAT SOME OF THESE THINGS, AS  
08:45AM 12 YOU'LL SEE FROM THE COLUMN ON THE RIGHT, THE COURT HAS ALREADY  
08:45AM 13 RULED ON, SO I DON'T WANT TO REARGUE THAT, NOR COULD I, I  
08:45AM 14 THINK.

08:45AM 15 BUT WHAT I WANTED TO EMPHASIZE, JUST BECAUSE GIVEN THAT,  
08:45AM 16 YOU KNOW, WE THOUGHT WE HAD A JURY, AND THEN JURORS CAME IN AND  
08:45AM 17 ANNOUNCED HARDSHIPS, I THOUGHT IT WOULD BE GOOD TAKING A CLOSE  
08:45AM 18 LOOK AT THIS.

08:45AM 19 IN TERMS OF THE CAUSE, THE ONLY TWO JURORS THAT WE DID NOT  
08:45AM 20 PREVIOUSLY ASSERT BASED ON THEIR QUESTIONNAIRE ALONE WAS 202  
08:45AM 21 AND 222. THOSE WERE -- WE DIDN'T DISCUSS THOSE TWO JURORS  
08:45AM 22 BEFORE, 202 AND 222.

08:45AM 23 SO WE WOULD ASK THE COURT, BASED ON WHAT IS WRITTEN IN THE  
08:46AM 24 LIST THERE, TO CONSIDER EXCUSING THEM FOR CAUSE.

08:46AM 25 ONE OTHER THING, YOUR HONOR, AT A MINIMUM, I THINK AS WE

08:46AM 1 HAVE DONE BEFORE, I THINK WITH SOME SUCCESS, CERTAIN JURORS I  
08:46AM 2 THINK ARE GOING TO NEED INDIVIDUAL VOIR DIRE. I UNDERSTAND IT  
08:46AM 3 MAY DEPEND ON WHAT THEY RESPOND TO QUESTIONS. WE'LL SEE WHAT  
08:46AM 4 THEY RESPOND TO.

08:46AM 5 BUT I JUST WANT TO POINT OUT IN PARTICULAR THE PEOPLE WHO  
08:46AM 6 EITHER KNOW OF THE PRIOR CONVICTION OR KNOW OF THE ABUSE  
08:46AM 7 ALLEGATIONS, THOSE ARE CERTAINLY CANDIDATES, BUT THERE MAY BE  
08:46AM 8 SOME OTHERS.

08:46AM 9 AND I JUST WANT TO DRAW THE COURT'S ATTENTION TO JUROR 196  
08:46AM 10 WHO, ON HER QUESTIONNAIRE, EXPRESSED BIAS OR A POTENTIAL BIAS  
08:46AM 11 REGARDING PEOPLE FROM SOUTH ASIA.

08:46AM 12 SO I'M OBVIOUSLY RELUCTANT TO EMBARRASS THE JUROR IN FRONT  
08:46AM 13 OF THE GROUP AND MAKE HER STATE VIEWS THAT MIGHT BE UNPOPULAR  
08:46AM 14 TO SOME. SO I THOUGHT THAT WOULD BE ANOTHER CANDIDATE IN  
08:47AM 15 ADDITION TO THE OTHER REASONS FOR ADDITIONAL VOIR DIRE.

08:47AM 16 THE COURT: OKAY. THANK YOU.

08:47AM 17 MR. SCHENK.

08:47AM 18 MR. SCHENK: JUST BRIEFLY, YOUR HONOR.

08:47AM 19 WITH REGARD TO THE HARDSHIP PAGES, THOSE WERE THE JURORS  
08:47AM 20 THAT WE MET AND CONFERRED WITH OVER YESTERDAY AND THE DEFENSE  
08:47AM 21 HAS REMOVED FROM THAT LIST THE SIX THAT WE SUBMITTED TO THE  
08:47AM 22 COURT.

08:47AM 23 IT'S CERTAINLY POSSIBLE THAT THROUGH FURTHER DISCUSSION  
08:47AM 24 TODAY ONE OF THESE CLAIMS WILL RIPEN INTO A MORE FULSOME  
08:47AM 25 HARDSHIP, AND I THINK WE WILL ALL KEEP AN OPEN MIND TO THAT

08:47AM 1 DEVELOPMENT.

08:47AM 2 THE NEXT TWO PAGES, THE FOR CAUSE PAGES, I DON'T THINK  
08:47AM 3 THAT THERE'S ANYTHING NEW HERE, AND BY THAT I MEAN EVEN THE  
08:47AM 4 ONES THAT THE DEFENSE DID NOT PREVIOUSLY MOVE FOR CAUSE ON. I  
08:47AM 5 LISTED -- THE COURT WILL RECALL SEVERAL DAYS AGO I SAID THERE  
08:47AM 6 WERE INSTANCES IN QUESTIONNAIRES WHERE THERE WERE SIMILAR  
08:47AM 7 STATEMENTS AND THE DEFENSE MOVED FOR CAUSE ON SOME JURORS AND  
08:48AM 8 DIDN'T MOVE FOR CAUSE ON OTHER JURORS.

08:48AM 9 FOR INSTANCE, I TOLD THE COURT WHEN I WAS LISTING NUMBERS  
08:48AM 10 THAT 196, I THINK IT WAS 196, WAS ONE SUCH JUROR.

08:48AM 11 SO EVEN THE NEW JURORS ON THIS LIST AREN'T ACTUALLY NEW  
08:48AM 12 FOR OUR DISCUSSIONS, AND AGAIN, I THINK WE'LL HEAR, THROUGH THE  
08:48AM 13 VOIR DIRE PROCESS, WHETHER SOME STATEMENTS IN THE QUESTIONNAIRE  
08:48AM 14 RIPEN INTO A PROPER FOR CAUSE CHALLENGE AND WE HAVE AN  
08:48AM 15 OPPORTUNITY TO ENGAGE WITH THOSE FACTS ONCE THEY DEVELOP.

08:48AM 16 THE COURT: OKAY.

08:48AM 17 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

08:48AM 18 THE ONLY OTHER THING I WOULD ADD BEFORE WE CAN MOVE ON IS  
08:48AM 19 WITH REGARD TO HARDSHIP, I WONDERED IF THE COURT WOULD CONSIDER  
08:48AM 20 TELLING JURORS AS A GROUP, MAYBE AT THE END OF THE PROCEEDINGS  
08:48AM 21 TODAY, THAT, YOU KNOW, IF ANYONE HAS ANY OTHER HARDSHIP TO  
08:48AM 22 EXPRESS TO THE COURT, NOW WOULD BE THE TIME.

08:48AM 23 YOU KNOW, JUST TO AVOID PEOPLE WHO, YOU KNOW, COME IN WHEN  
08:49AM 24 THEY'RE ALREADY SELECTED, EVEN AS ALTERNATES, AND SAY, YOU  
08:49AM 25 KNOW, ACTUALLY THEY DON'T WANT TO SERVE OR CAN'T SERVE.

08:49AM 1 SO I DON'T KNOW WHETHER THAT WOULD HELP, YOUR HONOR, BUT I  
08:49AM 2 JUST THOUGHT I WOULD MAKE THAT SUGGESTION.

08:49AM 3 THE COURT: WELL, AT THE CONCLUSION OF THE COURT'S  
08:49AM 4 VOIR DIRE THE COURT DID ASK THIS QUESTION: CAN YOU THINK OF  
08:49AM 5 ANY OTHER REASON WHY YOU MIGHT NOT BE ABLE TO TRY THIS CASE  
08:49AM 6 FAIRLY AND IMPARTIALLY TO BOTH THE GOVERNMENT AND THE DEFENSE  
08:49AM 7 OR WHY YOU SHOULD NOT BE ON THIS JURY?

08:49AM 8 I ASKED THAT QUESTION. REGRETTABLY, SOME JURORS CHOSE TO  
08:49AM 9 ANSWER THAT THE NEXT DAY, SO --

08:49AM 10 MR. COOPERSMITH: RIGHT, RIGHT.

08:49AM 11 YEAH, I THOUGHT IT WAS CLEAR AS WELL, YOUR HONOR. BUT,  
08:49AM 12 YOU KNOW, OBVIOUSLY ANYTHING WE CAN DO TO PREVENT A RE --  
08:49AM 13 HAVING THAT HAPPEN AGAIN.

08:49AM 14 THE COURT: ALL RIGHT. I'M JUST PASSED A NOTE FROM  
08:49AM 15 OUR COURTROOM DEPUTY REGARDING INFORMATION FROM DOWNSTAIRS.

08:50AM 16 206 HAS NOT YET ARRIVED, AND NUMBER 131 APPARENTLY IS  
08:50AM 17 CLAIMING WORK HARDSHIP, EMPLOYMENT ONLY PAYS A LIMITED NUMBER  
08:50AM 18 OF DAYS PER THE NOTE.

08:50AM 19 SO THAT'S SOMETHING THAT WE'LL BRING UP WITH THAT JUROR,  
08:50AM 20 131? IS THAT RIGHT? I THOUGHT WE DEALT WITH 131. THAT CAN'T  
08:50AM 21 BE RIGHT.

08:50AM 22 THE CLERK: YES. LET ME ASK HER.

08:50AM 23 THE COURT: 131 IS NOT ON THIS PANEL.

08:50AM 24 MR. COOPERSMITH: NO.

08:50AM 25 (PAUSE IN PROCEEDINGS.)



08:50AM 1 THE CLERK: 131, YOUR HONOR, IS A CHOSEN JUROR  
08:50AM 2 ALREADY.

08:50AM 3 THE COURT: OKAY. WHERE IS THAT LIST?  
08:50AM 4 APPARENTLY 131 IS ANSWERING MY QUESTION TWO DAYS LATER.

08:51AM 5 MR. SCHENK: 131 IS SEATED 11.  
08:51AM 6 YOUR HONOR, 131 CAME TO COURT YESTERDAY, THE ARCHITECT  
08:51AM 7 WITH A CONFERENCE IN PORTLAND.

08:51AM 8 NOW SHE'S CLAIMING A WORK HARDSHIP? IS THAT --  
08:51AM 9 THE COURT: APPARENTLY THAT'S WHAT IT SAYS.  
08:51AM 10 IS 131 -- SHE'S NOT HERE TODAY.

08:51AM 11 THE CLERK: SHE'S NOT. SHE SENT AN EMAIL.

08:52AM 12 THE COURT: SHE ANSWERED NO TO QUESTION 1.

08:52AM 13 MR. SCHENK: YOUR HONOR, MAY I MAKE A SUGGESTION?  
08:52AM 14 THE COURT: YES.

08:52AM 15 MR. SCHENK: IT SOUNDS LIKE THERE'S AN EMAIL THAT  
08:52AM 16 WAS SENT MAYBE TO THE CLERK'S OFFICE. IF THE COURT WOULD  
08:52AM 17 REVIEW IT AND THEN MAKE A DETERMINATION OF WHETHER TO SHARE  
08:52AM 18 THAT EMAIL WITH THE PARTIES, WE MIGHT BE IN A BETTER POSITION  
08:52AM 19 TO EVALUATE THE CLAIM.

08:52AM 20 THE COURT: WELL, THAT'S A GOOD SUGGESTION.  
08:52AM 21 CAN WE GET THAT EMAIL? CAN WE HAVE THAT FORWARDED AND  
08:52AM 22 PRINTED?

08:52AM 23 THE CLERK: YES.

08:53AM 24 (PAUSE IN PROCEEDINGS.)

08:53AM 25 THE COURT: SHE ANSWERED NO TO QUESTION 67. SHE

08:53AM 1 ANSWERED NO, N-A, TO QUESTION 69.

08:55AM 2 (PAUSE IN PROCEEDINGS.)

08:55AM 3 THE COURT: COUNSEL, I HAVE A COPY OF HER EMAIL. IT  
08:55AM 4 WAS SENT TO OUR COURTROOM DEPUTY. IT LOOKS LIKE IT WAS TO THE  
08:55AM 5 JURY AND THEN FORWARDED. I'LL GIVE YOU A COPY.

08:55AM 6 THE CLERK: SORRY FOR THE NOISE.

08:55AM 7 (PAUSE IN PROCEEDINGS.)

08:56AM 8 (HANDING.)

08:56AM 9 THE COURT: I'M INTRIGUED BY THE BOTTOM PARAGRAPH,  
08:56AM 10 WHICH IS A DIFFERENT TYPE OF FONT. AND I WILL SAY A CURIOUS  
08:56AM 11 INDIVIDUAL MIGHT OPINE THAT THIS JUROR, ONCE SELECTED, WENT TO  
08:56AM 12 HER BOSS AND INFORMED THE BOSS OF THAT, A CONVERSATION  
08:56AM 13 OCCURRED, AND THE BOTTOM PARAGRAPH IS WHAT PROBABLY IS THE  
08:56AM 14 SOURCE OF THAT IS HER EMPLOYER. THAT'S WHAT A CURIOUS PERSON  
08:56AM 15 MIGHT OPINE, I THINK.

08:56AM 16 I USE THE WORD "CURIOUS" IN PLACE OF ANOTHER WORD.

08:57AM 17 MR. COOPERSMITH: YES, YOUR HONOR.

08:57AM 18 THE COURT: ANY THOUGHTS?

08:57AM 19 MR. SCHENK: IN THE QUESTIONNAIRE ON -- IN RESPONSE  
08:57AM 20 TO QUESTION NUMBER 9, WHICH IS THE QUESTION THAT ASKED WHETHER  
08:57AM 21 HER EMPLOYER WOULD PAY HER SALARY, SHE DID CHECK "NOT SURE."

08:57AM 22 SO IT DOES SEEM AT LEAST SHE HAD A BASIS TO INQUIRE ABOUT  
08:57AM 23 WHETHER HER EMPLOYER WOULD PAY. IT'S UNFORTUNATE THAT SHE WAS  
08:57AM 24 HERE YESTERDAY AND DIDN'T HAVE THAT INFORMATION, THOUGH THIS  
08:57AM 25 EMAIL, IT LOOKS LIKE, WAS SENT PROBABLY SHORTLY AFTER SHE LEFT

08:57AM 1 THE COURTROOM. I THINK WE WERE STILL IN COURT AT THAT TIME,  
08:57AM 2 BUT MAYBE WE WERE WRAPPING UP. I CAN'T REMEMBER EXACTLY.

08:57AM 3 ANYWAY, I THINK THAT, UNFORTUNATELY, IF SHE'S NOW  
08:57AM 4 EXPRESSING A FINANCIAL HARDSHIP AND HER EMPLOYER -- IF WE TAKE  
08:58AM 5 THE DIFFERENT FONT TO BE FROM HER EMPLOYER, SHE WILL NOT BE  
08:58AM 6 PAID FOR SOME PORTION OF SERVICE. IT REMAINS UNCLEAR.

08:58AM 7 THE QUESTIONNAIRE ALSO DOESN'T INFORM US THAT HER PH.D.  
08:58AM 8 HUSBAND IS EMPLOYED FULL TIME, AND IT DOESN'T APPEAR THAT  
08:58AM 9 DURING HER QUESTIONNAIRE SHE EXPRESSED FINANCIAL HARDSHIP AS A  
08:58AM 10 BASIS, BUT AT THAT POINT SHE DID REMAIN AT LEAST UNCLEAR ON  
08:58AM 11 WHETHER HER EMPLOYER WOULD CONTINUE TO PAY.

08:58AM 12 I THINK THE RECORD SORT OF, AS THE COURT CAN TELL, AND I'M  
08:58AM 13 JUST TALKING AT THIS POINT, THE REPORT IS A LITTLE BIT UNCLEAR  
08:58AM 14 ON WHETHER THERE IS, IN FACT, A FINANCIAL HARDSHIP CAUSED  
08:58AM 15 THROUGH EXTENDED JURY SERVICE.

08:58AM 16 IT SEEMS THAT THERE WOULD BE HARDSHIP ON THE EMPLOYER, BUT  
08:58AM 17 SHE TOLD US YESTERDAY THAT SHE DIDN'T NEED TO ATTEND THE  
08:59AM 18 CONFERENCE BECAUSE THERE WOULD BE OTHER PEOPLE WHO WORKED AT  
08:59AM 19 HER PLACE OF EMPLOYMENT THAT COULD ATTEND IN HER PLACE.

08:59AM 20 SO IT CERTAINLY SEEMS IT'S THE KIND OF SHOP THAT CAN COVER  
08:59AM 21 FOR OTHERS. WE JUST DON'T REALLY HAVE ADDITIONAL INFORMATION.

08:59AM 22 THE COURT: MR. COOPERSMITH.

08:59AM 23 MR. COOPERSMITH: YOUR HONOR, IT'S OBVIOUSLY  
08:59AM 24 UNFORTUNATE THAT SHE DIDN'T COME FORWARD ABOUT THIS ISSUE  
08:59AM 25 EARLIER.

08:59AM 1 I HAVE TO AGREE WITH MR. SCHENK. IT DOESN'T SAY WHAT THE  
08:59AM 2 LIMITED TIME IS THAT SHE WOULD BE PAID. IT DOESN'T TALK ABOUT  
08:59AM 3 ANYTHING MORE ABOUT FINANCIAL CIRCUMSTANCES.

08:59AM 4 I DON'T KNOW WHAT TO MAKE OF THE OTHER FONT. I GUESS I'M  
08:59AM 5 "CURIOUS" AS WELL, YOUR HONOR.

08:59AM 6 I'M VERY RELUCTANT TO, LIKE, DISTURB THE WORK THAT HAS  
08:59AM 7 ALREADY BEEN DONE ON CHOOSING THE JURY. I KNOW WE HAVE MORE TO  
08:59AM 8 DO TODAY.

08:59AM 9 SO I DEFER TO THE COURT ON WHAT TO DO WITH THIS JUROR.

08:59AM 10 I MEAN, I'M OBVIOUSLY SYMPATHETIC TO PEOPLE WHO HAVE A  
09:00AM 11 FINANCIAL HARDSHIP, BUT, YOU KNOW --

09:00AM 12 THE COURT: THANK YOU. THE QUESTIONNAIRE -- THE  
09:00AM 13 REASON THAT WE PREPARED THAT QUESTIONNAIRE, AND YOU TASKED  
09:00AM 14 YOURSELVES TO WORK ON THE QUESTIONNAIRE -- AND WHAT WAS IT,  
09:00AM 15 20-SOME PAGES LONG? SOMETHING LIKE THAT -- WAS TO CAPTURE THE  
09:00AM 16 INFORMATION AND ALLOW OUR PANEL MEMBERS TO PROVIDE AS MUCH  
09:00AM 17 INFORMATION ABOUT THEMSELVES, THEIR CIRCUMSTANCES WITH  
09:00AM 18 KNOWLEDGE, FULL KNOWLEDGE OF THE LENGTH OF THIS TRIAL, WHICH  
09:00AM 19 WAS EXPRESSED IN THE QUESTIONNAIRE.

09:00AM 20 SHE ANSWERED, THIS JUROR ANSWERED THE QUESTIONS AS I  
09:00AM 21 INDICATED I READ OFF. YOU ALL HAVE BENEFIT OF THAT.

09:00AM 22 SHE DID COME IN YESTERDAY TO TELL US ABOUT HER TRAVEL  
09:00AM 23 SITUATION, AND SHE DID INDICATE THAT SHE COULD RESCHEDULE THAT,  
09:00AM 24 THE TRIP TO PORTLAND, AND THAT WOULD NOT CREATE DIFFICULTY.

09:01AM 25 SHE MENTIONED A TRIP IN JUNE, I THINK, THE END OF JUNE

09:01AM 1 THAT SHE WANTED US TO KNOW ABOUT, AND WE HAD CONVERSATION ABOUT  
09:01AM 2 THAT YESTERDAY AS WELL.

09:01AM 3 BUT SHE DIDN'T SAY ANYTHING ABOUT HER FINANCIAL SITUATION.

09:01AM 4 ONE WOULD HAVE THOUGHT THAT, HAVING FILLED OUT THE  
09:01AM 5 QUESTIONNAIRE AND GONE THROUGH THE PROCESS, THAT THERE WOULD  
09:01AM 6 HAVE BEEN A RECOGNITION THAT THE LENGTH OF THE TRIAL, AND I  
09:01AM 7 WOULD THINK SOMEONE WHO IS A PROFESSIONAL WOULD HAVE CHECKED  
09:01AM 8 WITH THEIR EMPLOYER ABOUT THE DUTIES THAT THIS TRIAL WAS GOING  
09:01AM 9 TO COMMAND.

09:01AM 10 SHE INDICATES "NOT SURE IF THERE'S ANYTHING THAT CAN BE  
09:01AM 11 DONE, BUT UNFORTUNATELY THIS WILL MEAN THAT I WILL NEED TO WORK  
09:01AM 12 DOUBLE SHIFT IF SELECTED." I'M NOT SURE WHAT THAT MEANS.

09:02AM 13 WE ALSO KNOW, AND SHE DOES, THAT WE'RE NOT IN SESSION FIVE  
09:02AM 14 DAYS A WEEK, WE'RE IN SESSION THREE DAYS A WEEK. AND MAYBE  
09:02AM 15 THAT'S WHAT SHE'S REFERENCING "DOUBLE SHIFT," SHE'LL DOUBLE UP  
09:02AM 16 ON THOSE DAYS WHEN WE'RE NOT IN SESSION.

09:02AM 17 I JUST -- I'M NOT INCLINED TO EXCUSE HER FOR HARDSHIP AT  
09:02AM 18 THIS TIME, LET ME JUST SAY THAT.

09:02AM 19 AND LET ME HEAR WHATEVER YOU WANT TO PUT ON THE RECORD IN  
09:02AM 20 THAT REGARD.

09:02AM 21 MR. COOPERSMITH: I DON'T HAVE ANYTHING MORE,  
09:02AM 22 YOUR HONOR.

09:02AM 23 MR. SCHENK: NOTHING FURTHER.

09:02AM 24 THE COURT: ALL RIGHT. THANK YOU.

09:02AM 25 THIS IS 131. SHE WILL REMAIN ON THE PANEL.

09:02AM 1 ALL RIGHT. THANK YOU FOR THE SHEET, THE PANEL 3 HARDSHIP  
09:02AM 2 AND CAUSE SHEET THAT WAS PREPARED.

09:03AM 3 I'M NOT GOING TO MAKE CAUSE DECISIONS NOW. I THINK WE  
09:03AM 4 NEED TO HEAR FROM JURORS ABOUT TOPICS, ALLOW COUNSEL TO PROBE  
09:03AM 5 AND ASK QUESTIONS, AND SEE IF THOSE ISSUES EXPRESSED HAVE BEEN  
09:03AM 6 EITHER RESOLVED OR ARE NOT AS SERIOUS AS INDICATED.

09:03AM 7 BUT WE DO NEED TO PROBE SOME OF THOSE, SO I'M NOT GOING TO  
09:03AM 8 GRANT ANY CAUSE CHALLENGES NOW. I APPRECIATE THE HEADS UP ON  
09:03AM 9 IT, THOUGH. WE'LL SEE.

09:03AM 10 I HOPE WE CAN BE, I'LL USE THE WORD, "DELICATE" TO TALK  
09:03AM 11 ABOUT THOSE OTHER TOPICS.

09:03AM 12 I BELIEVE THERE ARE SOME WHO HAVE KNOWLEDGE OF THE PRIOR  
09:03AM 13 CASE, I'LL CALL IT. ONE PERSON SAYS THAT THEY HAVE KNOWLEDGE  
09:03AM 14 OF A CONVICTION, BUT IT IS SOMEWHAT NONSPECIFIC. SO WE'LL SEE  
09:03AM 15 WHERE THAT COMES IN.

09:03AM 16 AND IF WE NEED TO DO AND IF IT'S APPROPRIATE TO HAVE  
09:03AM 17 INDIVIDUAL QUESTIONING, WE'LL CERTAINLY ENGAGE THAT.

09:03AM 18 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

09:03AM 19 THE COURT: THIS PANEL IS MUCH SMALLER, I THINK, SO  
09:04AM 20 WE'LL CAPTURE SOME EFFICIENCIES WITH THAT I THINK HOPEFULLY.

09:04AM 21 OKAY. ANYTHING FURTHER BEFORE WE BRING THEM UP?

09:04AM 22 MR. COOPERSMITH: NO, YOUR HONOR.

09:04AM 23 THE COURT: HAVE WE HEARD ANYTHING ELSE?

09:04AM 24 THE CLERK: I ASKED HER TO CALL. WE'RE STILL  
09:04AM 25 WAITING ON JUROR 206.

09:04AM 1 THE COURT: OH, 206. OKAY.

09:04AM 2 WELL, IT IS RAINING OUTSIDE, AND IT IS SOMETHING THAT WE  
09:04AM 3 HAVEN'T SEEN IN MONTHS, SO IT COULD BE A SHOCK TO EVERYONE AND  
09:04AM 4 PERHAPS THAT'S CAUSED THE DELAY.

09:04AM 5 SO LET'S TAKE A RECESS, AND WE'LL COME BACK WHEN WE HEAR  
09:04AM 6 MORE.

09:04AM 7 MR. SCHENK: THANK YOU.

09:04AM 8 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

09:04AM 9 (RECESS FROM 9:04 A.M. UNTIL 9:28 A.M.)

09:28AM 10 (PROSPECTIVE JURY PANEL IN AT 9:28 A.M.)

09:28AM 11 THE COURT: COUNSEL, YOU CAN REMAIN SEATED.

09:28AM 12 PROSPECTIVE JURORS, IF YOU WOULD STAND AND RAISE YOUR  
09:28AM 13 RIGHT HAND, OUR COURTROOM DEPUTY HAS A QUESTION FOR YOU.

09:28AM 14 (PROSPECTIVE JURORS WERE GIVEN THE OATH.)

09:29AM 15 PROSPECTIVE JURORS: YES.

09:29AM 16 THE COURT: THANK YOU VERY MUCH, LADIES AND  
09:29AM 17 GENTLEMEN. PLEASE BE SEATED.

09:29AM 18 LADIES AND GENTLEMEN, THANK YOU FOR YOUR PATIENCE THIS  
09:29AM 19 MORNING. WELCOME.

09:29AM 20 I'D LIKE TO TELL YOU THAT YOU HAVE BEEN SUMMONED BY THIS  
09:29AM 21 COURT FOR JURY SERVICE IN A CRIMINAL CASE ENTITLED  
09:29AM 22 UNITED STATES VERSUS RAMESH "SUNNY" BALWANI.

09:29AM 23 IN THIS CASE THE DEFENDANT, RAMESH "SUNNY" BALWANI, IS  
09:29AM 24 CHARGED WITH WIRE FRAUD AND CONSPIRACY TO COMMIT WIRE FRAUD.

09:29AM 25 THE INDICTMENT ALLEGES THAT MR. BALWANI WAS THE PRESIDENT

09:29AM 1 AND CHIEF OPERATING OFFICER OF THERANOS, INCORPORATED, WHICH  
09:29AM 2 WAS IN THE BLOOD TESTING BUSINESS.

09:29AM 3 THE INDICTMENT ALLEGES THAT THE DEFENDANT AND  
09:29AM 4 ELIZABETH HOLMES, THERANOS'S CHIEF EXECUTIVE OFFICER, KNOWINGLY  
09:29AM 5 AND INTENTIONALLY DEvised A SCHEME OR PLAN TO DEFRAUD INVESTORS  
09:30AM 6 IN THERANOS AND PAYING CUSTOMERS OF THERANOS.

09:30AM 7 THE CHARGES ARE ONLY ALLEGATIONS AND NOT EVIDENCE. THE  
09:30AM 8 DEFENDANT HAS ENTERED A PLEA OF NOT GUILTY TO ALL OF THE  
09:30AM 9 CHARGES IN THIS CASE AND IS PRESUMED TO BE INNOCENT. IT WILL  
09:30AM 10 BE THE GOVERNMENT'S BURDEN THROUGHOUT THE TRIAL TO PROVE THOSE  
09:30AM 11 CHARGES BEYOND A REASONABLE DOUBT.

09:30AM 12 THE INDICTMENT ALLEGES IN COUNTS ONE AND TWO THAT  
09:30AM 13 MR. BALWANI VIOLATED 18 UNITED STATES CODE SECTION 1349,  
09:30AM 14 CONSPIRACY TO COMMIT WIRE FRAUD.

09:30AM 15 THE INDICTMENT ALLEGES IN COUNTS THREE, FOUR, FIVE, SIX,  
09:30AM 16 SEVEN, EIGHT, NINE, TEN, ELEVEN, AND TWELVE WITH WIRE FRAUD IN  
09:30AM 17 VIOLATION OF 18 UNITED STATES CODE SECTION 1343.

09:30AM 18 NOW, THE INDICTMENT IS NOT EVIDENCE. IT IS THE CHARGING  
09:31AM 19 DOCUMENT FILED IN THE CASE. TO THESE CHARGES MR. BALWANI HAS  
09:31AM 20 PLEADED NOT GUILTY; AND THIS IS AN ABSOLUTE DENIAL OF THE  
09:31AM 21 CHARGES.

09:31AM 22 IT WILL BE THE PURPOSE OF THIS TRIAL FOR YOU TO DETERMINE  
09:31AM 23 IF THE GOVERNMENT HAS MET THEIR BURDEN IN PRESENTING THEIR CASE  
09:31AM 24 TO YOU.

09:31AM 25 NOW, JURY SERVICE IS IMPORTANT, AND I WOULD LIKE TO



09:31AM 1 WELCOME YOU AGAIN AND THANK YOU FOR YOUR SERVICE.

09:31AM 2 BUT BEFORE WE BEGIN, I'D LIKE TO DESCRIBE FOR YOU HOW THE  
09:31AM 3 TRIAL WILL PROCEED AND EXPLAIN TO YOU WHAT THE LAWYERS, YOU,  
09:31AM 4 AND I WILL BE DOING.

09:31AM 5 WHEN I REFER TO THE GOVERNMENT, I MEAN MR. ROBERT LEACH,  
09:31AM 6 MR. JOHN BOSTIC, AND MR. JEFF SCHENK, AND MS. KELLY VOLKAR, WHO  
09:31AM 7 ARE THE ASSISTANT UNITED STATES ATTORNEYS PROSECUTING THIS  
09:31AM 8 CASE.

09:31AM 9 MR. LEACH, WOULD YOU PLEASE INTRODUCE YOUR TEAM.

09:31AM 10 MR. LEACH: YES, YOUR HONOR.

09:31AM 11 MAY I TAKE MY MASK OFF?

09:31AM 12 THE COURT: YES.

09:31AM 13 MR. LEACH: GOOD MORNING, LADIES AND GENTLEMEN.

09:31AM 14 MY NAME IS ROBERT LEACH. I'M AN ASSISTANT UNITED STATES  
09:32AM 15 ATTORNEY WITH THE DEPARTMENT OF JUSTICE.

09:32AM 16 TO MY LEFT IS JOHN BOSTIC, WHO IS ANOTHER ASSISTANT UNITED  
09:32AM 17 STATES ATTORNEY IN MY OFFICE.

09:32AM 18 TO HIS LEFT IS JEFF SCHENK, WHO IS ALSO A PROSECUTOR WITH  
09:32AM 19 MY OFFICE.

09:32AM 20 TO MY RIGHT IS CHRISTOPHER MCCOLLOWS, WHO IS A POSTAL  
09:32AM 21 INSPECTOR WITH THE U.S. POSTAL INSPECTION SERVICE.

09:32AM 22 SEATED AT THE TABLE INSIDE OF THE WELL IS MADDI WACHS, WHO  
09:32AM 23 IS A PARALEGAL FROM MY OFFICE.

09:32AM 24 AND THEN IN THE SECOND ROW ON THIS SIDE OF THE COURTROOM  
09:32AM 25 WE HAVE KELLY VOLKAR, WHO IS ANOTHER PROSECUTOR WITH MY OFFICE.

09:32AM 1 TO HER RIGHT ARE MARIO SCUSSEL WITH THE FEDERAL BUREAU OF  
09:32AM 2 INVESTIGATION, AND GEORGE SCAVDIS WITH THE U.S. FOOD AND DRUG  
09:32AM 3 ADMINISTRATION.

09:32AM 4 THANK YOU VERY MUCH FOR BEING HERE TODAY.

09:32AM 5 THE COURT: THANK YOU.

09:32AM 6 WHEN I REFER TO DEFENSE COUNSEL, I MEAN  
09:32AM 7 MR. JEFF COOPERSMITH, MR. AMY WALSH, AND MR. STEPHEN CAZARES  
09:32AM 8 WHO ARE THE ATTORNEYS REPRESENTING MR. BALWANI.

09:32AM 9 MR. COOPERSMITH, WILL YOU PLEASE INTRODUCE YOUR TEAM.

09:32AM 10 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

09:33AM 11 I'M JEFF COOPERSMITH. I REPRESENT SUNNY BALWANI, WHO IS  
09:33AM 12 SEATED RIGHT HERE.

09:33AM 13 WITH ME ARE MY COLLEAGUES AMY WALSH, SHAWN ESTRADA,  
09:33AM 14 AMANDA MCDOWELL, AND WE HAVE SOMEONE HELPING US WITH JURY  
09:33AM 15 SELECTION, DAVID PERROTT.

09:33AM 16 THANK YOU.

09:33AM 17 THE COURT: THANK YOU.

09:33AM 18 THIS CASE IS EXPECTED TO TAKE APPROXIMATELY 13 WEEKS IN  
09:33AM 19 EVIDENCE IN COURT. IT COULD BE LONGER AND IT COULD BE SHORTER,  
09:33AM 20 AND I WILL LET YOU KNOW THE SCHEDULE AS IT GOES FORWARD.

09:33AM 21 THIS MORNING WE WILL BEGIN SELECTING JURORS WHO WILL SIT  
09:33AM 22 TO HEAR THIS CASE. THIS PROCESS INVOLVES INTERVIEWING SEPARATE  
09:33AM 23 PANELS OF POTENTIAL JURORS OVER THE COURSE OF THE DAY. I  
09:33AM 24 EXPECT AFTER YOUR SESSION TODAY YOU WILL BE NOTIFIED -- YOU  
09:33AM 25 WILL BE PERMITTED TO LEAVE THE COURTHOUSE AS I UNDERSTAND IT,

09:33AM 1 THAT'S THE PLAN, AND THEN YOU WILL BE NOTIFIED LATER AS TO  
09:33AM 2 WHETHER AND WHEN YOU SHOULD RETURN FOR JURY SERVICE.

09:33AM 3 NOW, YOU SHOULD HAVE IN YOUR SEATS A COPY OF OUR SCHEDULE,  
09:34AM 4 AND AS YOU SEE, LOOKING AT THE SCHEDULE, DELIBERATIONS SHOULD  
09:34AM 5 BEGIN, IT'S PROJECTED, BY THE END OF MAY OR EARLY JUNE  
09:34AM 6 ACCORDING TO THE SCHEDULE.

09:34AM 7 AND AS I SAID, THIS MAY CHANGE, AND I, OF COURSE, WILL  
09:34AM 8 KEEP YOU UPDATED ON ANY CHANGES.

09:34AM 9 AS YOU ALSO NOTICED IN THE QUESTIONNAIRE THAT YOU  
09:34AM 10 COMPLETED LAST WEEK, OUR PROPOSED DAYS IN COURT WILL BE  
09:34AM 11 TUESDAYS, WEDNESDAYS, AND FRIDAYS INITIALLY FROM 9:00 A.M. TO  
09:34AM 12 3:00 P.M.

09:34AM 13 AGAIN, IT MAY BE THAT THIS SCHEDULE WILL CHANGE, AND I'LL  
09:34AM 14 GIVE YOU PROPER NOTICE FOR ANY -- OF ANY CHANGES IN THAT  
09:34AM 15 SCHEDULE.

09:34AM 16 I ANTICIPATE THAT FOR BREAKS DURING THE DAY WE WILL  
09:34AM 17 PROBABLY TAKE TWO BREAKS OF 30 TO 45 MINUTES EACH THROUGH THE  
09:34AM 18 DAY, AND THAT SHOULD SUFFICE. THIS SCHEDULE HOPES TO  
09:34AM 19 ACCOMPLISH TAKING ALL OF OUR EVIDENCE IN THE TRIAL AND TO AVOID  
09:35AM 20 THE STRESS AND FATIGUE THAT MIGHT COME FROM AN EVERY DAY ALL  
09:35AM 21 DAY SCHEDULE THAT WE NORMALLY SEE IN SHORTER TRIALS.

09:35AM 22 NOW, I ALSO REALIZE THAT THERE MIGHT BE OCCASIONS WHEN  
09:35AM 23 SOMEONE NEEDS TO TAKE AN UNSCHEDULED BREAK FOR SOME REASON. IF  
09:35AM 24 ANYONE IN THE TRIAL NEEDS TO TAKE A BREAK FOR ANY REASON, YOU  
09:35AM 25 SHOULD PLEASE RAISE YOUR HAND, LET ME KNOW, AND WE'LL, OF

COURSE, ACCOMMODATE ANY RECESSES AS NEEDED.

THE FIRST STEP IN THE TRIAL FOLLOWING THE SELECTION OF THE JURY IS THE GOVERNMENT'S OPENING STATEMENT. THE DEFENSE MAY CHOOSE TO GIVE AN OPENING STATEMENT FOLLOWING THE GOVERNMENT OR AT THE BEGINNING OF THE DEFENSE CASE.

THE PURPOSE OF AN OPENING STATEMENT IS TO GIVE YOU AN OVERVIEW OF WHAT THE ATTORNEYS EXPECT THE EVIDENCE WILL SHOW.

NEXT, THE GOVERNMENT WILL OFFER EVIDENCE. EVIDENCE USUALLY INCLUDES WITNESSES, TESTIMONY, AND EXHIBITS.

AFTER THE GOVERNMENT PRESENTS THEIR EVIDENCE, THE DEFENSE MAY ALSO PRESENT EVIDENCE, BUT THE DEFENSE IS NOT REQUIRED TO DO SO. BECAUSE MR. BALWANI IS PRESUMED INNOCENT, HE DOES NOT HAVE TO PROVE THAT HE IS NOT GUILTY.

NOW, I'D ASK YOU TO REFER TO YOUR LIST ALSO. THERE'S WITNESSES WHO ARE ON THE BACK OF THAT PAGE, AND I'M GOING TO ASK YOU TO PLEASE REVIEW THAT WITNESS LIST NOW TO SEE WHETHER OR NOT -- I'M GOING TO ASK YOU IN A MOMENT WHETHER OR NOT ANY OF YOU ARE FAMILIAR OR IF YOU KNOW ANY OF THE WITNESSES ON THIS LIST.

COUNSEL, MAY I RECEIVE A STIPULATION THAT THE COURT NEED NOT READ THE ENTIRETY OF THE WITNESS LIST AS IT IS IN THE RECORD CONTAINED IN VARIOUS DOCUMENTS?

MR. SCHENK: YES, YOUR HONOR.

MR. COOPERSMITH: YES, YOUR HONOR.

THE COURT: THANK YOU.

09:37AM 1 (PAUSE IN PROCEEDINGS.)

09:37AM 2 THE COURT: NOW, LADIES AND GENTLEMEN, YOU SHOULD  
09:37AM 3 NOTE THAT THE PARTIES ARE NOT REQUIRED AND MIGHT NOT WISH TO  
09:37AM 4 CALL ALL OF THESE WITNESSES, AND THEY MAY LATER FIND IT  
09:37AM 5 NECESSARY TO CALL OTHER WITNESSES.

09:37AM 6 IT MAY OCCUR THAT THE PARTIES STIPULATE TO A WITNESS'S  
09:37AM 7 TESTIMONY OR AN EXHIBIT. THIS MEANS THAT THE PARTIES HAVE  
09:37AM 8 AGREED THAT THE STATEMENT, THE TESTIMONY, OR EXHIBIT MAY BE  
09:37AM 9 INTRODUCED INTO EVIDENCE.

09:37AM 10 AFTER YOU HAVE HEARD ALL OF THE EVIDENCE AND AFTER THE  
09:37AM 11 ATTORNEYS HAVE GIVEN THEIR FINAL ARGUMENTS, I WILL THEN  
09:38AM 12 INSTRUCT YOU ON THE LAW THAT APPLIES TO THE CASE.

09:38AM 13 AFTER YOU HAVE HEARD THE ARGUMENT AND MY INSTRUCTIONS, YOU  
09:38AM 14 WILL RETURN TO THE JURY ROOM TO DELIBERATE THE MERITS OF THE  
09:38AM 15 CASE AND TO RETURN WITH YOUR FINDINGS.

09:38AM 16 NOW, JURY SERVICE IS AN OBLIGATION. I RECOGNIZE IT MAY BE  
09:38AM 17 INCONVENIENT TO YOU, BUT I WOULD ALSO HOPE YOU VIEW JURY  
09:38AM 18 SERVICE AS A PRIVILEGE TO SERVE YOUR COMMUNITY AND TO  
09:38AM 19 PARTICIPATE IN YOUR SYSTEM OF JUSTICE.

09:38AM 20 NOW, WE'RE ALL SENSITIVE TO THE FACT THAT NONE OF YOU ARE  
09:38AM 21 HERE BECAUSE YOU HAVE NOTHING ELSE TO DO WITH YOUR TIME OR  
09:38AM 22 BECAUSE YOU VOLUNTEERED FOR JURY DUTY OUT OF THE GOODNESS OF  
09:38AM 23 YOUR HEARTS. WE RECOGNIZE THAT JURY SERVICE TAKES YOU FROM THE  
09:38AM 24 WORKPLACE, FROM YOUR HOMES WHERE OTHER INDIVIDUALS RELY ON YOU,  
09:38AM 25 AND WE RECOGNIZE IT'S AN IMPOSITION AND INCONVENIENCE.

09:38AM 1 FOR MANY OF US WORKING IN THE JUSTICE SYSTEM, TRYING TO  
09:39AM 2 IMPROVE ON THE QUALITY OF JUSTICE WHILE MAINTAINING FAIRNESS  
09:39AM 3 ACROSS THE BOARD IS A CHALLENGE. IT IS A CHALLENGE TO DELIVER  
09:39AM 4 ON THE PROMISE OF A JURY OF ONE'S PEERS, A TRUE CROSS-SECTION  
09:39AM 5 OF OUR COMMUNITY.

09:39AM 6 WE TRY TO, AND WE DO, WHEN WE HAVE TRIALS, PROVIDE THIS  
09:39AM 7 PROMISE TO EVERYONE ENTERING OUR COURTS. IT'S A PROMISE THAT  
09:39AM 8 WE ENDEAVOR TO FULFILL AS WE RECOGNIZE THAT WE, TOO, WOULD RELY  
09:39AM 9 ON THIS PROMISE SHOULD WE EVER COME INTO THE COURT AS A  
09:39AM 10 PARTICIPANT.

09:39AM 11 OUR CONSTITUTION GUARANTEES THE RIGHT TO A JURY TRIAL, AND  
09:39AM 12 THAT'S THE BASIS FOR ALL OF OUR OBLIGATIONS TO SERVE, YOURS AS  
09:39AM 13 WELL AS MINE.

09:39AM 14 AND I SHOULD TELL YOU THAT I DO GET SUMMONED TO SERVE, AND  
09:39AM 15 I HAVE RESPONDED TO THE SUMMONS JUST LIKE YOU HAVE, AND FOR  
09:39AM 16 SOME REASON I HAVEN'T BEEN SELECTED. I DON'T UNDERSTAND THAT.

09:39AM 17 BUT I SHOW UP JUST LIKE YOU DID. SO I'M GRATEFUL TO HAVE  
09:39AM 18 YOU HERE TO PARTICIPATE.

09:40AM 19 LET ME SAY THAT IT IS PERHAPS MORE SIGNIFICANT NOW TO  
09:40AM 20 PARTICIPATE IN JURY SERVICE SUCH THAT OUR COMMUNITY, OUR  
09:40AM 21 COUNTRY, PARDON ME, AND THE WORLD CAN OBSERVE THAT EVEN DURING  
09:40AM 22 THE CHALLENGES OF THE PANDEMIC AND WORLD CONFLICT, OUR COURTS,  
09:40AM 23 YOUR COURTS, ARE OPEN AND YOUR SYSTEM OF JUSTICE ENDURES.

09:40AM 24 NOW, I'D LIKE TO TAKE JUST A MOMENT TO SHARE WITH YOU  
09:40AM 25 INFORMATION REGARDING OUR COVID PROTOCOLS.

09:40AM 1 WE WILL AT ALL TIMES STRIVE TO ENSURE YOUR PROTECTION,  
09:40AM 2 SAFETY AND GOOD HEALTH.

09:40AM 3 AS YOU SEE, WE WILL ENGAGE IN DISTANCING AND FACE MASKS IN  
09:40AM 4 THE COURT.

09:40AM 5 IF YOU ARE VACCINATED -- OF COURSE THE MEDICAL INFORMATION  
09:40AM 6 WE KNOW INDICATES THAT THE FACT IF YOU ARE VACCINATED  
09:40AM 7 SIGNIFICANTLY ENHANCES YOUR SAFETY.

09:40AM 8 PARTIES IN COURT WILL WEAR MASKS.

09:40AM 9 WITNESSES, DEPENDING ON THEIR HEALTH AND VACCINATION  
09:41AM 10 STATUS, MAY BE ABLE TO REMOVE THEIR MASK OR WILL WEAR A CLEAR  
09:41AM 11 FACE SHIELD WHILE THEY TESTIFY.

09:41AM 12 COUNSEL MAY REMOVE THEIR MASK AT THE LECTERNS WHEN THEY  
09:41AM 13 ARE EXAMINING.

09:41AM 14 COUNSEL HAVE GIVEN ME PERMISSION TO INFORM YOU THAT ALL OF  
09:41AM 15 THEIR TEAMS ARE FULLY VACCINATED. EVERYONE ATTACHED TO THEIR  
09:41AM 16 TEAMS ARE VACCINATED.

09:41AM 17 I SHOULD TELL YOU EVERYONE ON MY TEAM, OUR COURT REPORTER,  
09:41AM 18 OUR COURTROOM DEPUTY, AND MY LAW CLERKS ARE ALL FULLY  
09:41AM 19 VACCINATED AS WELL.

09:41AM 20 WE WILL HAVE AIR PURIFIERS. THERE'S ONE AT THE WITNESS  
09:41AM 21 STAND NOW. WE WILL PROVIDE AIR -- PORTABLE AIR PURIFIERS FOR  
09:41AM 22 COUNSEL TABLE, AND WE CAN PROVIDE PURIFIERS FOR THE JURY BOX IN  
09:41AM 23 YOUR AREAS SHOULD YOU REQUEST THAT OR IT BE NEEDED.

09:41AM 24 I'D LIKE TO TELL YOU A LITTLE BIT ABOUT OUR BUILDING, AND  
09:41AM 25 PARTICULARLY ABOUT OUR HVAC SYSTEM IN THE CONTEXT OF THIS

09:42AM 1 CONVERSATION.

09:42AM 2 WE -- ABOUT FOUR OR FIVE YEARS AGO OUR HVAC SYSTEM WAS  
09:42AM 3 COMPLETELY REPLACED. THERE'S NEW -- YOU CAN'T SEE IT. IT'S A  
09:42AM 4 NEW STRUCTURE ON TOP OF THIS BUILDING. I THINK THE PRICE TAG,  
09:42AM 5 YOUR TAX DOLLARS WERE ABOUT \$7.5 MILLION TO REPLACE THE HVAC  
09:42AM 6 SYSTEM IN THIS BUILDING. IT'S NOT JUST THE CHILLER, IT'S ALL  
09:42AM 7 OF THE DUCTING AND THE NEW ELECTRICAL SERVICE THAT THAT  
09:42AM 8 REQUIRES AS WELL.

09:42AM 9 THE SYSTEM WAS UPGRADED TO A MERV 14 AIR FILTRATION  
09:42AM 10 SYSTEM. I UNDERSTAND THE CURRENT GUIDANCE IS TO INSTALL  
09:42AM 11 MERV 13 OR BETTER. SO WE EXCEED, EXCEED THAT STANDARD.

09:42AM 12 I'M ALSO INFORMED THAT THE AIR IN THIS COURTROOM  
09:42AM 13 CIRCULATES AT THE RATE OF, IT'S CALLED AIR CHANGES PER HOUR,  
09:43AM 14 IT'S 6.3. WHAT THAT MEANS TO US IS THAT THE AIR IN THIS  
09:43AM 15 COURTROOM IS COMPLETELY CIRCULATED EVERY TEN MINUTES. SO THIS  
09:43AM 16 IS A GOOD SYSTEM, AND IT DOES PROVIDE US GREAT PROTECTION.

09:43AM 17 I SHOULD TELL YOU THAT WE TURN THE SYSTEMS ON TWO HOURS  
09:43AM 18 BOTH PREOCCUPANCY AND TWO HOURS, IT RUNS TWO HOURS AFTER  
09:43AM 19 OCCUPANCY TO KEEP OUR AIR IN THIS BUILDING AS FREE AND CLEAR OF  
09:43AM 20 ANY TYPE OF CONTAMINANTS AS POSSIBLE.

09:43AM 21 WE HAVE FACE MASKS AND SANITIZER THAT WE CAN PROVIDE FOR  
09:43AM 22 YOU AS NEEDED.

09:43AM 23 AND I SHOULD TELL YOU, WE ALSO JUST RECENTLY PURCHASED  
09:43AM 24 COVID TESTINGS, RAPID TESTS. IF ANYONE SEATED AS A JUROR IN  
09:43AM 25 THIS, IN THIS TRIAL WOULD LIKE OR FEELS IT NECESSARY TO HAVE A



09:43AM 1 TESTING DONE, WE'LL PROVIDE THAT TO YOU. WE HAVE THAT  
09:43AM 2 AVAILABLE TO PROVIDE YOU A RAPID TEST FOR YOUR CONVENIENCE.

09:44AM 3 I SHOULD TELL YOU THAT YOUR JURY DELIBERATION ROOM, WE'VE  
09:44AM 4 MADE ARRANGEMENTS TO HAVE YOU DELIBERATE IN THE COURTROOM NEXT  
09:44AM 5 DOOR TO ME. IT'S JUST NEXT DOOR. I THINK IT'S COURTROOM 3.  
09:44AM 6 THAT MEANS YOU'LL HAVE THE ENTIRETY OF THE COURTROOM FOR YOUR  
09:44AM 7 DELIBERATIONS AND YOUR MEETINGS. YOU CAN SPACE YOURSELVES AS  
09:44AM 8 YOU WISH.

09:44AM 9 THE JUDGE THAT SITS OVER THERE HAS ASKED ME NOT TO LET THE  
09:44AM 10 JURORS SIT AT THE BENCH. SO YOU WON'T BE PERMITTED TO SIT AT  
09:44AM 11 THE BENCH, NOR IN THE AREA WHERE THE COURT REPORTERS OR THE  
09:44AM 12 CLERK SITS.

09:44AM 13 BUT ALL OF THE OTHER AREA, WHICH MEANS THE COUNSEL TABLES,  
09:44AM 14 THE JURY BOX, AND THE PEW SEATS OUTSIDE OF THE BOX WILL BE  
09:44AM 15 AVAILABLE FOR YOU, THE JURY, TO USE SUCH THAT YOU CAN CAPTURE  
09:44AM 16 DISTANCING.

09:44AM 17 I SHOULD TELL YOU THAT PART OF YOUR JURY SERVICE ALSO  
09:44AM 18 INCLUDES WE PROVIDE A BREAKFAST FOR YOU, I'LL SAY A LIGHT  
09:45AM 19 BREAKFAST. I BELIEVE IT'S COFFEE, TEA, FRUITS, SOME YOGURTS, I  
09:45AM 20 THINK THERE ARE SOME DANISH AND BAGELS SOMETIMES. SO WE'LL  
09:45AM 21 PROVIDE THAT YOU FOR YOUR NOURISHMENT AS WELL FOR THE MORNING.

09:45AM 22 IF YOU HAVE ANY QUESTION OR CONCERNS REGARDING YOUR SAFETY  
09:45AM 23 AND COURT CONDITIONS, YOU SHOULD CONTACT MS. ROBINSON, MY  
09:45AM 24 COURTROOM DEPUTY, AND SHE'LL BE ABLE TO ANSWER ANY QUESTIONS  
09:45AM 25 THAT YOU MIGHT HAVE ABOUT THAT.

09:45AM 1 NOW, LET ME ASK, IS THERE ANY MEMBER OF THIS PANEL, OF  
09:45AM 2 YOU, WHO HAS ANY SPECIAL DISABILITY OR PROBLEM THAT WOULD MAKE  
09:45AM 3 SERVING AS A MEMBER OF THIS JURY DIFFICULT OR IMPOSSIBLE?

09:45AM 4 LET ME FIRST ASK IF THERE'S ANYBODY THAT NEEDS OR WOULD  
09:45AM 5 BENEFIT FROM AN ASSISTED LISTENING DEVICE? WE HAVE ASSISTED  
09:45AM 6 LISTENING DEVICES, EARPHONES THAT WE USE HERE.

09:45AM 7 IS THERE ANYONE WHO FEELS THAT THEY WOULD BENEFIT FROM  
09:45AM 8 UTILIZING ONE OF THOSE DEVICES?

09:45AM 9 I SEE NO HANDS.

09:46AM 10 NOW, THERE MAY BE INDIVIDUALS WHO HAVE OTHER ISSUES,  
09:46AM 11 SEATING OR BACK ISSUES, AND WE HAVE SEEN THIS FROM TIME TO  
09:46AM 12 TIME, THAT MIGHT BENEFIT FROM ASSISTED CUSHIONS, PILLOWS, THOSE  
09:46AM 13 TYPES OF THINGS, STANDING IF SOMEONE NEEDS TO STAND, TAKE  
09:46AM 14 BREAKS AND THINGS. THAT'S SOMETHING THAT WE MAY BE ABLE TO  
09:46AM 15 ACCOMMODATE. WE'VE DONE THAT IN THE PAST WITH OTHER JURORS.

09:46AM 16 ANYONE WHO FEELS THAT THEY HAVE A PHYSICAL DISABILITY OR  
09:46AM 17 AN ISSUE THAT THEY WOULD LIKE TO RAISE NOW? JUST RAISE YOUR  
09:46AM 18 HAND IF THAT'S THE CASE.

09:46AM 19 YES, I SEE A HAND HERE.

09:46AM 20 IS THAT JUROR 202?

09:46AM 21 PROSPECTIVE JUROR: IT IS.

09:46AM 22 THE COURT: THANK YOU. WHAT WOULD YOU LIKE ME TO  
09:46AM 23 KNOW.

09:46AM 24 PROSPECTIVE JUROR: I HAVE TRAVEL PLANS, AIRLINE  
09:46AM 25 TICKETS, HOTEL, ET CETERA, STARTING THE 31ST OF MARCH THROUGH

09:47AM 1 THE 8TH OF APRIL.

09:47AM 2 THE COURT: I WAS ASKING ABOUT PHYSICAL HARDSHIPS.

09:47AM 3 PROSPECTIVE JUROR: OH, SORRY.

09:47AM 4 THE COURT: THAT'S OKAY. NO, NO, LET'S TALK ABOUT

09:47AM 5 THAT.

09:47AM 6 WAS THAT IN YOUR QUESTIONNAIRE? WAS THAT STATED IN YOUR

09:47AM 7 QUESTIONNAIRE? I MAY HAVE MISSED IT.

09:47AM 8 PROSPECTIVE JUROR: I DIDN'T SEE --

09:47AM 9 THE COURT: THIS IS NOT A HARLEY DAVIDSON CONVENTION

09:47AM 10 THAT YOU'RE GOING TO?

09:47AM 11 PROSPECTIVE JUROR: IT IS NOT. I'VE RETIRED FROM

09:47AM 12 THAT.

09:47AM 13 THE COURT: AND WHAT ARE THE DAYS, SIR, I'M SORRY?

09:47AM 14 PROSPECTIVE JUROR: PLANE TICKET TRAVEL STARTS ON

09:47AM 15 THE 31ST OF MARCH, AND THEN I'M RETURNING ON THE 8TH OF APRIL.

09:47AM 16 THE COURT: OKAY. IS THAT A VACATION TYPE TRIP?

09:48AM 17 PROSPECTIVE JUROR: IT IS. I'VE GOT HOTELS, CARS,

09:48AM 18 OTHER TICKETS BOUGHT.

09:48AM 19 THE COURT: AND NOW I'LL ASK HOW, HOW EASY IT WILL

09:48AM 20 BE FOR YOU TO RESCHEDULE THAT?

09:48AM 21 PROSPECTIVE JUROR: NOT AT ALL. THE TICKETS FOR THE

09:48AM 22 SHOWS I HAVE, OF COURSE, ARE NOT REFUNDABLE. NOT THAT EASY I

09:48AM 23 DON'T THINK.

09:48AM 24 THE COURT: OKAY. ALL RIGHT. THANK YOU FOR THAT.

09:48AM 25 AND ARE YOU TRAVELLING OUT OF STATE?

09:48AM 1 PROSPECTIVE JUROR: I AM. I AM TRAVELLING TO  
09:48AM 2 MANHATTAN AND THEN ON TO BOSTON.

09:48AM 3 THE COURT: OKAY. ALL RIGHT. THANK YOU. THANK YOU  
09:48AM 4 FOR THAT.

09:48AM 5 I SEE ANOTHER HAND RAISED. IS THIS -- WHAT JUROR NUMBER  
09:49AM 6 ARE YOU, PLEASE?

09:49AM 7 PROSPECTIVE JUROR: 222.

09:49AM 8 THE COURT: YES.

09:49AM 9 PROSPECTIVE JUROR: SO SINCE WE'RE ON THAT SUBJECT,  
09:49AM 10 I HAVE A COUPLE OF ISSUES THAT WOULD MAKE IT EXTREMELY,  
09:49AM 11 EXTREMELY DIFFICULT FOR ME TO PARTICIPATE FOR THIS LENGTH OF  
09:49AM 12 TIME.

09:49AM 13 I'M THE ONLY ONE ABLE TO BRING MY DAUGHTER TO SCHOOL FOUR  
09:49AM 14 OUT OF THE FIVE DAYS A WEEK.

09:49AM 15 ALSO, I'M THE ONLY ONE THAT CAN PICK HER UP ON THURSDAY  
09:49AM 16 AFTERNOONS.

09:49AM 17 IN ADDITION, I AM THE ONLY VETERINARIAN AT THE COUNTY OF  
09:49AM 18 SANTA CLARA ANIMAL SHELTER. WE'RE JUST ENTERING KITTEN SEASON,  
09:49AM 19 WHICH I DON'T KNOW IF YOU'RE FAMILIAR WITH THAT, BUT WE GET 1-  
09:49AM 20 TO 2,000 ORPHAN KITTENS IN OVER THE NEXT SIX TO SEVEN MONTHS  
09:49AM 21 THAT NEED EXTENSIVE MEDICAL CARE.

09:49AM 22 IN ADDITION, WE SEE EMERGENCY ANIMALS THAT OUR ANIMAL  
09:49AM 23 CONTROL OFFICERS BRING IN ALMOST ON A DAILY BASIS THAT NEED  
09:49AM 24 IMMEDIATE MEDICAL CARE, WHICH I'M THE ONLY ONE THAT IS ABLE TO  
09:50AM 25 PROVIDE.

09:50AM 1 SO NOT BEING THERE --

09:50AM 2 THE COURT: DOES SANTA CLARA ONLY HIRE ONE VET FOR  
09:50AM 3 THE SHELTER?

09:50AM 4 PROSPECTIVE JUROR: I WAS THE ONLY VET THERE FOR SIX  
09:50AM 5 YEARS. WE DID HIRE ANOTHER VET. SHE LEFT AT THE BEGINNING OF  
09:50AM 6 THIS YEAR. WE PUT OUT A RECRUITMENT AND WE GOT ZERO  
09:50AM 7 APPLICANTS. THERE'S DEFINITELY A SHORTAGE OF VETERINARIANS.  
09:50AM 8 SO NOT EVEN BEING ABLE TO FIND A RELIEF AT THIS POINT IS AN  
09:50AM 9 OPTION.

09:50AM 10 THE COURT: DOES THE COUNTY PARTNER WITH U.C. DAVIS,  
09:50AM 11 THE VET SCHOOL THERE?

09:50AM 12 PROSPECTIVE JUROR: NO. WE PROVIDE OUR OWN MEDICAL  
09:50AM 13 CARE IN-HOUSE.

09:50AM 14 THE COURT: I'M SORRY, I INTERRUPTED YOU. YOU WERE  
09:50AM 15 ABOUT TO --

09:50AM 16 PROSPECTIVE JUROR: WE JUST GOT INVOLVED WITH A  
09:50AM 17 MAJOR SEIZURE WITH A WARRANT WHERE WE HAVE OVER 60 LIVESTOCK AT  
09:50AM 18 OUR FACILITY RIGHT NOW. A LOT OF THEM ARE ORPHANED BOTTLE BABY  
09:50AM 19 GOATS THAT ARE ILL AND THEY'RE CURRENTLY UNDER MY TREATMENT.

09:50AM 20 SO EVEN ON THE TRIAL, I'M CONSTANTLY GOING TO BE THERE TWO  
09:51AM 21 DAYS WEEK, BUT THINKING AND HAVING TO ANSWERER TEXTS ABOUT  
09:51AM 22 MEDICAL QUESTIONS.

09:51AM 23 RIGHT NOW I JUST HAD TO TEXT SOMEONE TO PUT A CATHETER IN  
09:51AM 24 A BABY GOAT THAT'S NOT DOING THAT WELL.

09:51AM 25 THE COURT: SO THANK YOU. IS THE FACILITY, ARE YOU

09:51AM 1 OFF OF 101?

09:51AM 2 PROSPECTIVE JUROR: WE JUST MOVED TO MONTEREY LAST  
09:51AM 3 YEAR TO OUR NEW LARGE FACILITY.

09:51AM 4 THE COURT: MONTEREY ROAD?

09:51AM 5 PROSPECTIVE JUROR: YES, IN SUMMIT 17.

09:51AM 6 THE COURT: AND DIDN'T YOU USED TO HAVE A FACILITY  
09:51AM 7 OFF OF 101?

09:51AM 8 PROSPECTIVE JUROR: YES, IT WAS AN OLD CONVERTED  
09:51AM 9 40-YEAR OLD HOUSE THAT I DON'T KNOW HOW WE WORKED OUT OF.

09:51AM 10 THE COURT: AND THAT'S BEEN THERE FOR YEARS.

09:51AM 11 PROSPECTIVE JUROR: OVER 40 YEARS.

09:51AM 12 THE COURT: AND IS THE COUNTY STILL USING THAT IN  
09:51AM 13 ANY CAPACITY?

09:51AM 14 PROSPECTIVE JUROR: IT'S NOT OUR DEPARTMENT. SO,  
09:51AM 15 SADLY, I THINK A LOT OF THE STUFF THAT WAS LEFT BEHIND IS JUST  
09:51AM 16 GOING TO GET TOSSED.

09:51AM 17 BUT OUR NEW FACILITY IS BEAUTIFUL, BUT WE'RE ALSO TAKING  
09:51AM 18 IN A LOT MORE ANIMALS NOW SO THE WORKLOAD IS EXTENSIVE.

09:51AM 19 THE COURT: HOW MANY STAFF DO YOU HAVE, DOES THE  
09:51AM 20 COUNTY HAVE AT THE HOSPITAL?

09:51AM 21 PROSPECTIVE JUROR: THE MEDICAL DEPARTMENT IS JUST  
09:51AM 22 ME AS THE VETERINARIAN, TWO REGISTERED VET TECHS, AND TWO VET  
09:52AM 23 ASSISTS.

09:52AM 24 AND THEN THE KENNEL SIDE, THERE ARE FOUR OP AIDS, LIKE  
09:52AM 25 OPERATION AIDS, THAT DO THE CLEANING AND ADOPTIONS.

09:52AM 1 THE COURT: I SEE.

09:52AM 2 AND YOU STILL HAVE -- AS I UNDERSTAND IT, YOU STILL ACCEPT  
09:52AM 3 VOLUNTEERS TO DO VOLUNTEER WORK DO YOU?

09:52AM 4 PROSPECTIVE JUROR: WE CRAVE VOLUNTEERS. WE'RE  
09:52AM 5 CONSTANTLY NEEDING THEM WITH THE AMOUNT OF CLEANING.

09:52AM 6 THE COURT: I'M TAKING THIS MOMENT TO --

09:52AM 7 PROSPECTIVE JUROR: SO IF ANYONE WANTS TO VOLUNTEER,  
09:52AM 8 KITTEN SEASON IS REWARDING, FOSTERING SAVES LIVES, BOTTLE  
09:52AM 9 FEEDING BABIES --

09:52AM 10 THE COURT: THE COURT IS NOT INVOLVED IN ANY  
09:52AM 11 COMMERCIAL ADVERTISING, BUT, YOU KNOW, I THINK IT'S A GOOD  
09:52AM 12 CAUSE AND I'M HAPPY YOU WERE ABLE TO INFORM THE COMMUNITY ABOUT  
09:52AM 13 THAT.

09:52AM 14 PROSPECTIVE JUROR: YES. SO ANIMALS ARE NOT ALLOWED  
09:52AM 15 TO LEGALLY BE ADOPTED UNTIL THEY ARE SPAYED OR NEUTERED. SO  
09:52AM 16 WHEN MY SURGERY LOAD FIVE DAYS A WEEK IS 20 TO 40 SURGERIES A  
09:52AM 17 DAY, INCLUDING MEDICAL CHECKS, EMERGENCIES, A LOT OF VEHICULAR  
09:53AM 18 TRAUMA. SO ME NOT BEING THERE WOULD BE A COMPLETE DETRIMENT TO  
09:53AM 19 THE LIVES OF THESE ANIMALS.

09:53AM 20 THE COURT: ALL RIGHT. THANK YOU.

09:53AM 21 CAN I ASK YOU THIS: DO YOU KNOW WHO ADVOCATES FOR THE  
09:53AM 22 SHELTER AT THE BOARD OF SUPERVISORS?

09:53AM 23 PROSPECTIVE JUROR: MIKE WASSERMAN IS OUR BIGGEST  
09:53AM 24 ADVOCATE.

09:53AM 25 THE COURT: YES, I KNOW MIKE.

09:53AM 1 AND DOES HE DO A GOOD JOB FOR YOU, DO YOU THINK?

09:53AM 2 PROSPECTIVE JUROR: HE'S THE ONE WHO PUSHED TO GET  
09:53AM 3 THIS THING OPENED.

09:53AM 4 THE COURT: OKAY. GREAT. THANK YOU FOR THE  
09:53AM 5 CONVERSATION. THANK YOU FOR LETTING ME KNOW THAT.

09:53AM 6 THE QUESTION WAS REGARDING ANY PHYSICAL DISABILITY OR  
09:53AM 7 HARDSHIP OR ANYTHING LIKE THAT? DOES ANYONE HAVE ANY OF THOSE?

09:53AM 8 OKAY. I SEE NO HANDS.

09:53AM 9 WE NOW COME TO THAT PORTION OF THE TRIAL WHERE I WILL ASK  
09:53AM 10 YOU SOME QUESTIONS REGARDING YOUR QUALIFICATIONS TO SIT AS  
09:53AM 11 JURORS IN THIS CASE. THE ATTORNEYS WILL ALSO HAVE AN  
09:54AM 12 OPPORTUNITY TO ASK YOU SOME QUESTIONS AS WELL.

09:54AM 13 NOW, THIS PROCESS IS VERY IMPORTANT BECAUSE THE COURT AND  
09:54AM 14 THE PARTIES WANT FAIR AND IMPARTIAL JURORS, JURORS WHO ARE FREE  
09:54AM 15 OF ANY PRECONCEIVED IDEA, BELIEF, ATTITUDE, OR BIAS OR  
09:54AM 16 PREJUDICE ABOUT THE OFFENSES CHARGED OR THE ACCUSED, AND JURORS  
09:54AM 17 WHO WILL DECIDE THIS CASE ONLY AFTER HEARING ALL OF THE  
09:54AM 18 EVIDENCE, THE ARGUMENTS OF COUNSEL, THE LAW AS GIVEN TO YOU BY  
09:54AM 19 THE COURT, AND THEN ONLY AFTER HAVING DELIBERATED WITH YOUR  
09:54AM 20 FELLOW JURORS.

09:54AM 21 BY THE OATH YOU HAVE JUST TAKEN, YOU ARE OBLIGATED TO  
09:54AM 22 ANSWER ALL OF THESE QUESTIONS TRUTHFULLY AND COMPLETELY. YOU  
09:54AM 23 WILL HELP THE PROCESS BY VOLUNTEERING INFORMATION ABOUT YOUR  
09:54AM 24 EXPERIENCES, FEELINGS, OR BIASES, IF ANY, EVEN THOUGH YOU  
09:54AM 25 BELIEVE YOU CAN PUT ASIDE THOSE EXPERIENCES, FEELINGS, OR



09:54AM 1 BIASES AND SERVE AS A FAIR AND IMPARTIAL JUROR.

09:55AM 2 NOW, IF YOU ARE SENSITIVE ABOUT ANSWERING ANY QUESTION,  
09:55AM 3 PLEASE LET ME KNOW AND WE CAN DISCUSS THAT MATTER PRIVATELY  
09:55AM 4 WITH COUNSEL AND OUTSIDE OF THE PRESENCE OF OTHERS.

09:55AM 5 THIS PROCESS, THAT IS, THE QUESTIONING PROCESS, SEEKS TO  
09:55AM 6 IDENTIFY ANY ISSUE, INCLUDING THOSE THAT MIGHT BE CONTROVERSIAL  
09:55AM 7 THAT RAISE AN ISSUE OF BIAS OR AN INABILITY TO BE FAIR AND  
09:55AM 8 IMPARTIAL.

09:55AM 9 AGAIN, IF ANY JUROR FEELS THAT AN ISSUE HAS ARISEN AND YOU  
09:55AM 10 WOULD LIKE OR YOU THINK IT WOULD BE BETTER TO SPEAK IN PRIVATE,  
09:55AM 11 PLEASE LET ME KNOW AND WE'LL DO THAT.

09:55AM 12 NOW, IT'S ALSO IMPORTANT, LADIES AND GENTLEMEN, THAT YOU  
09:55AM 13 EXPRESS ISSUES WITH THE PARTIES, AND I WANT YOU TO BE AND I'M  
09:55AM 14 GOING TO INVITE YOU TO BE FRANK AND OPEN.

09:55AM 15 BUT I ALSO WANT YOU TO THINK ABOUT IN YOUR COMMENTS, AND  
09:55AM 16 IN MY QUESTIONS, WHAT WE DON'T WANT IS FOR SOMETHING SAID TO  
09:55AM 17 NEGATIVELY INFLUENCE OR AFFECT ANY OTHER JUROR.

09:55AM 18 NOW, THIS IS IMPORTANT BECAUSE WE WANT TO HEAR YOUR CANDID  
09:56AM 19 THOUGHTS ON TOPICS, AND IT IS IMPORTANT THAT EXPRESSIONS, WHILE  
09:56AM 20 HEARTFELT, DO NOT TAINT OR NEGATIVELY IMPACT THE OPINIONS OR  
09:56AM 21 FAIRNESS OF THE PANEL.

09:56AM 22 SO IT MAY BE THAT DURING YOUR QUESTIONING AND DURING MY  
09:56AM 23 QUESTIONING, THE LAWYER'S QUESTIONING, ONE OF US MAY ASK YOU,  
09:56AM 24 OKAY, STOP FOR JUST A SECOND, AND INTERRUPT YOU WHILE YOU'RE  
09:56AM 25 TALKING BECAUSE I MIGHT FEEL LIKE YOU'RE GETTING ON A TOPIC

09:56AM 1 THAT MIGHT BE BETTER, IN MY OPINION, BETTER DISCUSSED IN  
09:56AM 2 PRIVATE.

09:56AM 3 SO LET ME TELL YOU IN ADVANCE, I MAY BE DOING THAT, BUT  
09:56AM 4 I'M TELLING YOU THIS AND I DON'T MEAN IN ANY WAY THAT YOU  
09:56AM 5 SHOULD NOT GIVE -- RESPOND WITH FULSOME ANSWERS TO MY  
09:56AM 6 QUESTIONS. THAT'S WHAT WE WANT TO HAVE.

09:56AM 7 I WILL BE MINDFUL ABOUT WHETHER OR NOT, IN MY JUDGMENT AND  
09:56AM 8 THE LAWYERS' JUDGMENT, IF SOME OF THOSE ANSWERS MIGHT BE  
09:57AM 9 DISCUSSED BETTER IN PRIVATE. SO PLEASE, I'M GIVING YOU  
09:57AM 10 ADVANCED WARNING OF THAT. I MAY STOP YOU AND INTERRUPT YOU FOR  
09:57AM 11 THAT PURPOSE.

09:57AM 12 BUT I DON'T WANT TO CHILL YOUR SPEECH. BY THAT I MEAN I  
09:57AM 13 WANT YOU TO BE FRANK, OPEN, AND TELL ALL OF US AS BEST YOU CAN  
09:57AM 14 THE ANSWERS TO THE QUESTIONS THAT ARE POSED.

09:57AM 15 NOW, IN SELECTING A JURY, EACH SIDE ARE PERMITTED A  
09:57AM 16 CERTAIN NUMBER OF WHAT ARE CALLED PEREMPTORY CHALLENGES TO  
09:57AM 17 PROSPECTIVE JURORS. AN ATTORNEY MAY EXCUSE A JUROR BECAUSE  
09:57AM 18 THEY FEEL THIS IS NOT THE RIGHT CASE FOR THEM.

09:57AM 19 CHALLENGES FOR CAUSE ARE CHALLENGES THAT THE COURT OR THE  
09:57AM 20 PARTIES FEEL THAT A JUROR CANNOT SIT ON THIS CASE BECAUSE OF  
09:57AM 21 BIAS, INTEREST OR OTHER INABILITY TO BE FAIR AND IMPARTIAL.  
09:57AM 22 THE COURT WILL MAKE DECISIONS AS TO CHALLENGES FOR CAUSE.

09:57AM 23 NOW, FOLLOWING MY QUESTIONS AND THE QUESTIONS OF COUNSEL,  
09:57AM 24 WE'LL -- I EXPECT THAT WE'LL BE ABLE TO ASK YOU TO LEAVE THE  
09:58AM 25 COURTROOM AND PERHAPS LEAVE THE COURT FOR THE DAY, AND WE'LL

09:58AM 1 CALL YOU AND NOTIFY WHEN YOU SHOULD RETURN.

09:58AM 2 WE WILL ALSO SELECT SIX ALTERNATE JURORS WHO WILL SIT  
09:58AM 3 DURING THE TRIAL. SHOULD A MEMBER OF THE SEATED 12 JURORS BE  
09:58AM 4 UNABLE TO CONTINUE TO SIT AS A JUROR, THE ALTERNATE JUROR WILL  
09:58AM 5 REPLACE THAT SITTING JUROR AND WILL JOIN THE OTHER JURORS IN  
09:58AM 6 DELIBERATION AT THE CONCLUSION OF THE CASE.

09:58AM 7 IF THERE IS NO NEED FOR SUBSTITUTION OF A SITTING JUROR,  
09:58AM 8 THE ALTERNATE JURORS WILL NOT JOIN THE DELIBERATIONS OF THE  
09:58AM 9 SITTING JURORS, BUT THEY WILL BE ALLOWED TO LEAVE THE  
09:58AM 10 COURTHOUSE SUBJECT TO BEING RECALLED TO REPLACE A DELIBERATING  
09:58AM 11 JUROR SHOULD THAT NEED ARISE.

09:58AM 12 NOW, I WANT TO THANK YOU FOR COMING IN LAST WEEK AND  
09:58AM 13 FILLING OUT THE QUESTIONNAIRES.

09:58AM 14 YOU WILL FIND THAT MY QUESTIONS, AND MAYBE SOME OF  
09:58AM 15 COUNSEL'S QUESTIONS, WILL BE REPETITIVE OR VERY SIMILAR TO THE  
09:59AM 16 QUESTIONS THAT YOU HAVE ALREADY ANSWERED, BUT PLEASE DO LISTEN  
09:59AM 17 CAREFULLY TO THE QUESTIONS AND THE ANSWERS OF YOUR PROSPECTIVE  
09:59AM 18 JURY COLLEAGUES.

09:59AM 19 DOING SO MAY ASSIST YOU IN THINKING ABOUT WHAT YOUR ANSWER  
09:59AM 20 MIGHT BE.

09:59AM 21 SO LET ME FIRST ASK, DO ANY OF YOU KNOW ANY OF THE UNITED  
09:59AM 22 STATES ATTORNEYS OR ANY OF THE DEFENSE COUNSEL? OR ANY MEMBERS  
09:59AM 23 OF THEIR TEAMS? ANYONE KNOW THESE LAWYERS OR THEIR TEAMS? IF  
09:59AM 24 SO, PLEASE RAISE YOUR HAND.

09:59AM 25 I SEE NO HANDS.

09:59AM 1 HAVE ANY OF YOU HAD ANY BUSINESS DEALINGS WITH THE  
09:59AM 2 ATTORNEYS OR BEEN REPRESENTED BY THEM OR THEIR FIRMS?  
09:59AM 3 I SEE NO HANDS.  
09:59AM 4 DO ANY OF YOU KNOW THE DEFENDANT, MR. BALWANI? ANY OF YOU  
09:59AM 5 KNOW HIM?  
09:59AM 6 I SEE NO HANDS.  
09:59AM 7 DO ANY OF YOU KNOW ANY OF THE WITNESSES THAT WERE ON THE  
09:59AM 8 LIST THAT I ASKED YOU TO READ EARLIER? ANYONE HAVE FAMILIARITY  
10:00AM 9 OR KNOW ANY OF THOSE WITNESSES?  
10:00AM 10 I SEE NO HANDS.  
10:00AM 11 HAS ANYONE READ OR HEARD ANY NEWS COVERAGE OF THIS CASE?  
10:00AM 12 ALL RIGHT. WE'LL GET MICROPHONES TO YOU NOW.  
10:00AM 13 LET'S START IN THE JURY BOX. IS THAT JUROR 205?  
10:00AM 14 PROSPECTIVE JUROR: THAT WOULD BE ME.  
10:00AM 15 THE COURT: YES. GOOD MORNING.  
10:00AM 16 PROSPECTIVE JUROR: AT A CONFERENCE ONE TIME I SAW A  
10:00AM 17 "TED TALK" ABOUT IT.  
10:00AM 18 THE COURT: YES. I'M JUST GOING TO ASK YOU IF YOU  
10:00AM 19 HAVE HEARD ABOUT IT.  
10:00AM 20 PROSPECTIVE JUROR: OH.  
10:00AM 21 THE COURT: AND THEN IF YOU COULD TELL US WHAT IT IS  
10:00AM 22 THAT YOU SAW WITHOUT TELLING ME THE CONTENT, WHAT WAS SAID,  
10:00AM 23 THOSE TYPES OF THINGS.  
10:00AM 24 PROSPECTIVE JUROR: OKAY.  
10:00AM 25 THE COURT: SO GO AHEAD, THANK YOU.

10:00AM 1 PROSPECTIVE JUROR: SO THERE WAS A "TED TALK" ABOUT  
10:00AM 2 IT.

10:00AM 3 THE COURT: OKAY.

10:00AM 4 PROSPECTIVE JUROR: AND THEN I JUST STARTED WATCHING  
10:00AM 5 THE HULU SERIES, BUT I STOPPED WATCHING.

10:00AM 6 THE COURT: OKAY. THANK YOU.

10:00AM 7 HOW MANY -- YOU KNOW, THERE ARE EPISODES OF THIS?

10:01AM 8 PROSPECTIVE JUROR: UH-HUH, I GOT ABOUT TWO AND A  
10:01AM 9 HALF EPISODES IN.

10:01AM 10 THE COURT: OKAY. TWO AND A HALF EPISODES.

10:01AM 11 OKAY. ANY OTHER EXPOSURE?

10:01AM 12 PROSPECTIVE JUROR: NO. JUST RECENT NEWS.

10:01AM 13 THE COURT: OKAY. TELL ME ABOUT THAT. WHAT RECENT  
10:01AM 14 NEWS? WAS IT NEWSPAPERS? RADIO? T.V.?

10:01AM 15 PROSPECTIVE JUROR: YEAH, RADIO AND INTERNET.

10:01AM 16 THE COURT: OKAY. AND CAN I ASK YOU, WOULD YOU  
10:01AM 17 CLASSIFY YOURSELF OR CONSIDER YOURSELF -- DID YOU FOLLOW THE  
10:01AM 18 CASE AT ALL? WERE YOU A FOLLOWER? IS THAT A FAIR TERM?

10:01AM 19 PROSPECTIVE JUROR: I HAD A FEELING THAT MIGHT HAVE  
10:01AM 20 BEEN WHAT THIS CASE WAS BECAUSE IT WAS SO BIG. BUT, NO, I  
10:01AM 21 DIDN'T -- I DON'T NECESSARILY FOLLOW.

10:01AM 22 THE COURT: OKAY. LET ME ASK YOU, JUROR 205 -- AND  
10:01AM 23 LADIES AND GENTLEMEN, LET ME SAY, I APOLOGIZE, I'M GOING TO  
10:01AM 24 REFER YOU TO BY YOUR JUROR NUMBERS AS OPPOSED TO YOUR NAMES.  
10:01AM 25 AND I DO THAT OUT OF RESPECT FOR YOUR PRIVACY, AND THE LAWYERS

10:02AM 1 ARE GOING TO DO THE SAME.

10:02AM 2 NONE OF US MEAN ANY DISRESPECT TO YOU AT ALL. IT IS THE  
10:02AM 3 NORM ACTUALLY TO REFER TO THE JURORS BY THEIR NAMES, BUT IN  
10:02AM 4 THIS CASE I THOUGHT IT BEST TO REFER TO EVERYONE -- WE HAVE  
10:02AM 5 SUCH A LARGE POOL -- BY THEIR NUMBERS.

10:02AM 6 AND SO NEITHER I NOR COUNSEL MEAN ANY DISRESPECT WHEN WE  
10:02AM 7 CALL YOU BY YOUR NUMBERS. I KNOW THAT'S A LITTLE IMPERSONAL,  
10:02AM 8 BUT I HOPE YOU APPRECIATE THAT.

10:02AM 9 JUROR NUMBER 205, LET ME ASK YOU, IS THERE ANYTHING ABOUT  
10:02AM 10 WHAT YOU'VE SEEN, HEARD, READ OR WATCHED THAT YOU THINK MIGHT  
10:02AM 11 IMPAIR YOUR ABILITY TO BE FAIR AND IMPARTIAL TO BOTH SIDES IN  
10:02AM 12 THIS CASE?

10:02AM 13 PROSPECTIVE JUROR: YES, UH-HUH.

10:02AM 14 THE COURT: YOU THINK SO?

10:02AM 15 PROSPECTIVE JUROR: UH-HUH.

10:02AM 16 THE COURT: ALL RIGHT. IT MAY BE THAT YOU AND I  
10:02AM 17 WILL TALK ABOUT THAT PRIVATELY, IF THAT'S ALL RIGHT WITH YOU,  
10:02AM 18 AND THE LAWYERS, OF COURSE.

10:02AM 19 PROSPECTIVE JUROR: UH-HUH.

10:03AM 20 THE COURT: OKAY. THANK YOU.

10:03AM 21 WHO IS NEXT? LET'S STAY IN THE BOX. IS THAT JUROR 191?

10:03AM 22 PROSPECTIVE JUROR: YES, YOUR HONOR.

10:03AM 23 THE COURT: YES.

10:03AM 24 PROSPECTIVE JUROR: THE SAME. I WAS PRIVY TO A  
10:03AM 25 COUPLE OF EPISODES ON THE HULU.

10:03AM 1 THE COURT: I'M SORRY?

10:03AM 2 PROSPECTIVE JUROR: I ALSO SAW A COUPLE OF EPISODES  
10:03AM 3 ON THE SHOW OF HULU.

10:03AM 4 THE COURT: YOU SAW A COUPLE EPISODES?

10:03AM 5 PROSPECTIVE JUROR: UH-HUH.

10:03AM 6 THE COURT: TWO?

10:03AM 7 PROSPECTIVE JUROR: ABOUT THREE.

10:03AM 8 THE COURT: THREE. OKAY.

10:03AM 9 ANYTHING ELSE?

10:03AM 10 PROSPECTIVE JUROR: JUST MY -- I DIDN'T LOOK INTO  
10:03AM 11 IT. I ACTUALLY JUST SAW THE EPISODES AND JUST I DON'T WANT TO  
10:03AM 12 SAY BY ACCIDENT, BUT MY GIRLFRIEND WAS WATCHING THE SHOW  
10:03AM 13 WITHOUT ME KNOWING WHAT IT WAS ABOUT, AND THEN SHE KIND OF JUST  
10:03AM 14 LOOKED INTO IT AND TOLD ME ESSENTIALLY, IF IT'S APPROPRIATE,  
10:03AM 15 THE OUTCOME OR WHERE THE COPART STANDS IN THE CASE.

10:03AM 16 THE COURT: AND WHEN DID YOU WATCH THAT, SIR?

10:03AM 17 PROSPECTIVE JUROR: THIS WEEKEND.

10:03AM 18 THE COURT: THIS WEEKEND. YOU FILLED OUT YOUR  
10:04AM 19 QUESTIONNAIRE ON MARCH 4TH, I BELIEVE?

10:04AM 20 PROSPECTIVE JUROR: YES.

10:04AM 21 THE COURT: RIGHT.

10:04AM 22 DID YOU READ THE QUESTIONNAIRE WHEN YOU FILLED IT OUT?

10:04AM 23 PROSPECTIVE JUROR: I DID.

10:04AM 24 BUT JUST TO CLARIFY, WHEN THE EPISODE WAS ON, I WAS NOT  
10:04AM 25 AWARE. I LIVE WITH MY GIRLFRIEND AND SHE WAS WATCHING IT.

10:04AM 1 THERE WERE NO NAMES MENTIONED ESSENTIALLY DURING THE FIRST  
10:04AM 2 EPISODE OR SO.

10:04AM 3 AND THEN I DIDN'T TELL HER THAT I GOT JURY DUTY OR  
10:04AM 4 SUMMONED FOR THIS CASE, SO HER JUST BEING HER, SHE JUST RAMBLED  
10:04AM 5 A LITTLE BIT ON ABOUT WHAT HAPPENED OR WHAT SHE READ.

10:04AM 6 SO I WAS NOT INQUIRING. SHE DOESN'T KNOW THAT I'M HERE  
10:04AM 7 FOR THIS CASE.

10:04AM 8 THE COURT: I SEE.

10:04AM 9 AND YOU DID THIS THREE TIMES, SIR? YOU SAID YOU SAW THIS  
10:05AM 10 THREE TIMES?

10:05AM 11 PROSPECTIVE JUROR: IT WAS CONTINUOUS. IT WAS LIKE  
10:05AM 12 AN EPISODE. I DIDN'T CATCH WHAT THAT WAS ABOUT.

10:05AM 13 THE COURT: I SEE.

10:05AM 14 PROSPECTIVE JUROR: SO I WOULD LEAVE AND COME BACK,  
10:05AM 15 AND SO I WAS NOT PAYING ATTENTION THOROUGHLY TO THE EPISODES.

10:05AM 16 THE COURT: WAS THIS BACKGROUND THEN? WOULD YOU  
10:05AM 17 CONSIDER IT BACKGROUND WHERE YOU WOULD DO SOMETHING ELSE, OR  
10:05AM 18 WERE YOU WATCHING?

10:05AM 19 PROSPECTIVE JUROR: WELL, WE WERE IN THE LIVING  
10:05AM 20 ROOM, BUT I WASN'T ENTIRELY FOCUSSED, BUT I GOT THE GIST OF  
10:05AM 21 WHAT WAS GOING ON.

10:05AM 22 THE COURT: HOW LONG DID YOU -- WERE YOU EXPOSED TO  
10:05AM 23 THIS?

10:05AM 24 PROSPECTIVE JUROR: MAYBE AN HOUR.

10:05AM 25 THE COURT: AN HOUR. OKAY.



10:05AM 1 PROSPECTIVE JUROR: WELL, WE LIVE TOGETHER,  
10:05AM 2 YOUR HONOR.  
10:05AM 3 THE COURT: YOU TOLD ME THREE TIMES.  
10:05AM 4 PROSPECTIVE JUROR: NO, NO. IT WAS THREE EPISODES  
10:05AM 5 DURING ONE SITTING.  
10:05AM 6 THE COURT: OH, I SEE.  
10:05AM 7 PROSPECTIVE JUROR: BUT I WOULD LEAVE AND COME BACK.  
10:05AM 8 I WASN'T TRYING TO ENGAGE. I DIDN'T MENTION IT TO HER.  
10:05AM 9 THE COURT: YES. ALL RIGHT.  
10:05AM 10 ANYTHING ELSE?  
10:05AM 11 PROSPECTIVE JUROR: NO.  
10:05AM 12 THE COURT: THAT'S THE ONLY EXPOSURE THAT YOU'VE HAD  
10:05AM 13 TO THIS CASE, SIR?  
10:06AM 14 PROSPECTIVE JUROR: CORRECT.  
10:06AM 15 THE COURT: ALL RIGHT. THANK YOU.  
10:06AM 16 AND WHO ELSE?  
10:06AM 17 WHY DON'T YOU PASS THE MICROPHONE DOWN. THANK YOU.  
10:06AM 18 AND YOU ARE NUMBER?  
10:06AM 19 PROSPECTIVE JUROR: 187.  
10:06AM 20 THE COURT: THANK YOU. YES.  
10:06AM 21 PROSPECTIVE JUROR: I SAW A POSTER ON INSTAGRAM  
10:06AM 22 ABOUT THE HULU SHOW, AND THAT WAS BEFORE I FILLED OUT THE FORM.  
10:06AM 23 THE COURT: YES.  
10:06AM 24 PROSPECTIVE JUROR: AND ACTUALLY I DID PUT IT ON THE  
10:06AM 25 FORM.

10:06AM 1 THE COURT: YOU, YOU --

10:06AM 2 PROSPECTIVE JUROR: I DID PUT IT ON THE FORM.

10:06AM 3 THE COURT: YOU TOLD US WHAT YOU SAW?

10:06AM 4 PROSPECTIVE JUROR: YES.

10:06AM 5 THE COURT: YES. ALL RIGHT. THANK YOU.

10:06AM 6 ANY OTHER EXPOSURE?

10:06AM 7 PROSPECTIVE JUROR: NO.

10:06AM 8 THE COURT: IS THERE ANYTHING ABOUT THAT EXPOSURE

10:06AM 9 THAT YOU THINK WOULD IMPAIR YOU FROM BEING A FAIR AND IMPARTIAL

10:06AM 10 JUROR TO BOTH SIDES HERE?

10:06AM 11 PROSPECTIVE JUROR: NO.

10:06AM 12 THE COURT: OKAY. THANK YOU.

10:06AM 13 JUROR NUMBER 191, ANYTHING ABOUT WHAT YOU SAW THAT YOU

10:06AM 14 THINK WILL AFFECT YOUR ABILITY TO BE FAIR TO BOTH SIDES?

10:07AM 15 PROSPECTIVE JUROR: I DON'T MIND SPEAKING IN

10:07AM 16 PRIVATE, YOUR HONOR, IF THAT'S FINE?

10:07AM 17 THE COURT: ALL RIGHT. WE WILL DO THAT.

10:07AM 18 WHO ELSE? YES. IS THIS JUROR 185? WHOOPS. YEP. THERE

10:07AM 19 WE ARE. SORRY.

10:07AM 20 YES.

10:07AM 21 PROSPECTIVE JUROR: I BELIEVE I SAW THE HBO

10:07AM 22 DOCUMENTARY WHEN THAT FIRST CAME OUT. I CAN'T REMEMBER QUITE

10:07AM 23 HOW LONG AGO, BUT I DID COMPLETE THE DOCUMENTARY SERIES.

10:07AM 24 THE COURT: OKAY. AND ANY OTHER EXPOSURE THAT YOU

10:07AM 25 HAD TO THE CASE?

10:07AM 1 PROSPECTIVE JUROR: NO.

10:07AM 2 THE COURT: DO YOU RECALL ANY DETAILS ABOUT THE HBO  
10:07AM 3 DOCUMENTARY THAT YOU SAW?

10:07AM 4 PROSPECTIVE JUROR: THE VAGUE PREMISE OF IT.

10:07AM 5 THE COURT: OKAY. IS THERE ANYTHING ABOUT THAT  
10:07AM 6 EXPOSURE THAT YOU THINK WILL IMPAIR YOUR ABILITY TO BE FAIR AND  
10:08AM 7 IMPARTIAL TO BOTH SIDES IN THIS CASE?

10:08AM 8 PROSPECTIVE JUROR: I DO THINK, LIKE ANY SERIES, YOU  
10:08AM 9 TYPICALLY COME TO SOME CONCLUSION ABOUT YOUR BELIEFS, SO I  
10:08AM 10 THINK AS MORE DETAILS WOULD COME TO LIGHT WITH THE CASE, THAT  
10:08AM 11 MIGHT SPARK SOME MEMORIES FROM THE SERIES.

10:08AM 12 THE COURT: OKAY. DO YOU THINK THAT YOU -- FAIR  
10:08AM 13 ENOUGH. THAT HAPPENS WHEN YOU READ SOMETHING, AND I SUPPOSE  
10:08AM 14 IT'S IMPOSSIBLE, ISN'T IT, FOR SOMEONE TO ASK YOU, WELL, FORGET  
10:08AM 15 EVERYTHING THAT YOU'VE READ, HEARD, OR LISTENED TO. THAT'S,  
10:08AM 16 THAT'S NOT ENTIRELY POSSIBLE.

10:08AM 17 BUT WHAT WE ASK JURORS TO DO IS TO PUT ASIDE, OR ASK THEM  
10:08AM 18 IF THEY'RE ABLE TO PUT ASIDE ANY EXPOSURE THAT THEY MAY HAVE  
10:08AM 19 HAD IN ANY CASE.

10:08AM 20 IS THAT SOMETHING THAT YOU THINK YOU COULD DO IN THIS  
10:08AM 21 CASE?

10:08AM 22 PROSPECTIVE JUROR: I THINK SO.

10:08AM 23 THE COURT: AND IF YOU'RE SEATED AS A JUROR, YOU  
10:08AM 24 COULD -- YOU TOLD ME YOU WATCHED THAT SOME TIME AGO, SO THERE  
10:09AM 25 MIGHT BE SOME RECOLLECTION, BUT IT DOESN'T SOUND LIKE IT'S AT

10:09AM 1 THE FOREFRONT OF YOUR MEMORY.

10:09AM 2 PROSPECTIVE JUROR: NO. JUST VAGUE DETAILS AT THIS  
10:09AM 3 POINT.

10:09AM 4 THE COURT: OKAY. AND FAIR POINT.

10:09AM 5 DURING THE TRIAL, YOU MIGHT HEAR SOMETHING THAT MIGHT JOG  
10:09AM 6 A MEMORY OF, OH, I THINK I SAW THAT OR HEARD SOMETHING ABOUT  
10:09AM 7 THAT ON THE T.V. SHOW.

10:09AM 8 AND OF COURSE T.V. SHOWS ARE ENTERTAINMENT, AREN'T THEY?  
10:09AM 9 THEY'RE BASED FOR ENTERTAINMENT.

10:09AM 10 IS -- WOULD IT BE DIFFICULT FOR YOU TO PARSE OR PUT THAT  
10:09AM 11 ASIDE AND DECIDE THIS CASE ONLY ON THE EVIDENCE IN THIS  
10:09AM 12 COURTROOM?

10:09AM 13 PROSPECTIVE JUROR: I THINK I COULD DO THAT.

10:09AM 14 THE COURT: OKAY. LET ME TALK ABOUT THAT, THE  
10:09AM 15 IMPORTANCE OF THAT FOR JUST A MOMENT. I'M NOT TALKING TO YOU  
10:09AM 16 SPECIFICALLY, I'M TALKING TO THE COLLECTIVE HERE.

10:09AM 17 THAT'S WHAT THE TRIAL IS ABOUT. A FAIR TRIAL IS A TRIAL  
10:09AM 18 WHERE THE JURORS HEAR THE CASE, THEY HEAR THE EVIDENCE, THEY  
10:09AM 19 LISTEN TO THE WITNESSES WHO TESTIFY, THEY LOOK AT EXHIBITS,  
10:10AM 20 THEY EXAMINE THE EXHIBITS, AND THEY LISTEN TO THE ARGUMENTS OF  
10:10AM 21 THE LAWYERS, AND THEN THEY GET THEIR INSTRUCTION FROM THE  
10:10AM 22 COURT, THAT IS, THE LAW THAT THE JURORS APPLY TO THE FACTS AS  
10:10AM 23 YOU FIND THEM.

10:10AM 24 FOR A FAIR TRIAL TO OCCUR, THAT PROCESS MUST BE BASED ONLY  
10:10AM 25 ON THE EVIDENCE THAT IS RECEIVED IN THIS COURTROOM, NOT ON

1 ANYTHING OUTSIDE, BECAUSE THAT WOULD BE INHERENTLY UNFAIR.

2 AND I'M NOT POINTING OUT, YOU UNDERSTAND, I'M NOT  
3 SUGGESTING YOU IN ANY WAY WOULD BE AN UNFAIR, JUROR 185. I'M  
4 JUST USING THIS AS AN EXAMPLE.

5 YOU SEE, BECAUSE IF A JUROR REMEMBERED SOMETHING THAT  
6 THEY'VE READ, THAT THEY SAW, THAT THEY HEARD OR WATCHED  
7 OUTSIDE, IT WOULD BE UNFAIR TO BOTH SIDES BECAUSE THESE  
8 LAWYERS, NOR THE COURT, WOULD HAVE AN OPPORTUNITY TO ADDRESS  
9 THAT PIECE OF EVIDENCE, AND THAT'S NOT FAIR.

10 THE TRIALS OCCUR IN OUR COURTS, THAT'S WHY WE'RE HERE, AND  
11 THE JURY IS TASKED WITH MAKING THEIR DECISION ONLY ON THE  
12 EVIDENCE THAT IS RECEIVED IN THIS COURTROOM.

13 YOU'VE ALL WATCHED TELEVISION. I'M SURE THAT YOU'VE ALL  
14 PROBABLY SEEN TELEVISION SHOWS THAT HAVE JURIES AND JURY TRIALS  
15 AND YOU KNOW THE LAWYERS OBJECT. THE COURT SOMETIMES SAYS  
16 "SUSTAINED," SOMETIMES SAYS "OVERRULED," AND THAT MEANS  
17 EVIDENCE CAN COME IN OR EVIDENCE CAN'T COME IN.

18 ALL OF THAT HAPPENS IN THE COURTROOM AND THE UNIVERSE OF  
19 INFORMATION THAT IS DISTILLED FROM THE TRIAL PROCESS IS THE  
20 ONLY EVIDENCE THAT THE JURY IS PERMITTED TO MAKE THEIR DECISION  
21 ON.

22 AND THAT'S WHY I'M ASKING THIS QUESTION ABOUT WE'RE HUMAN,  
23 WE HAVE -- THE MEDIA IS JUST SO EXTENSIVE NOW AND WE'RE ALL  
24 EXPOSED TO SO MANY DIFFERENT BITS OF INFORMATION. I'M TOLD  
25 PEOPLE HAVE SOMETHING THAT ARE CALLED PUSH NOTIFICATIONS ON

10:12AM 1 YOUR PHONES, AND YOU CAN ASK, I WANT TO BE NOTIFIED ABOUT A  
10:12AM 2 SALE AT NORDSTROM, I WANT TO BE NOTIFIED ABOUT WHEN I CAN GO TO  
10:12AM 3 THE ANIMAL SHELTER WHEN I CAN PICK UP A PET, I WANT TO KNOW  
10:12AM 4 ABOUT THESE THINGS, AND YOU CAN GET THIS PUSH THAT TELLS YOU  
10:12AM 5 THESE THINGS.

10:12AM 6 SOMETIMES THERE ARE NEWS PUSHES, SO YOU GET THAT  
10:12AM 7 INFORMATION BIT BY BIT.

10:12AM 8 BUT WHAT WE ASK YOU TO DO IS TO PUT ALL OF THAT ASIDE IF  
10:12AM 9 YOU'RE A JUROR IN THIS CASE AND MAKE A DECISION ONLY ON THE  
10:12AM 10 EVIDENCE IN THIS CASE, THAT IS, PUTTING ASIDE EVERYTHING AND  
10:12AM 11 ANYTHING THAT YOU MAY HAVE BEEN EXPOSED TO. THAT'S THE TASK  
10:12AM 12 THAT I'M GOING TO ASK EACH OF YOU IF YOU'RE ABLE TO DO THAT.

10:12AM 13 AND JUROR NUMBER 185, THANK YOU FOR THE ENTRE, FOR LETTING  
10:12AM 14 ME MAKE THAT EXPLANATION HERE.

10:12AM 15 AND I THINK YOU HAVE ANSWERED MY QUESTION. YOU TOLD ME  
10:12AM 16 THAT -- WELL, LET ME ASK IT AGAIN.

10:12AM 17 YOU'VE HEARD ME TALK ABOUT THE JOB OF A JUROR, DECIDING  
10:12AM 18 THE CASE ONLY ON THE EVIDENCE THAT YOU HEAR HERE IN THIS  
10:13AM 19 COURTROOM, NOT ON ANYTHING ELSE THAT YOU HAVE READ, SEEN, OR  
10:13AM 20 HEARD TALKED ABOUT.

10:13AM 21 IS THAT SOMETHING THAT YOU CAN DO?

10:13AM 22 PROSPECTIVE JUROR: YES.

10:13AM 23 THE COURT: CAN YOU BE FAIR TO MR. BALWANI AND HIS  
10:13AM 24 TEAM?

10:13AM 25 PROSPECTIVE JUROR: YES.

10:13AM 1 THE COURT: AND THE GOVERNMENT AND THEIR TEAM?

10:13AM 2 PROSPECTIVE JUROR: YES.

10:13AM 3 THE COURT: AND ANY DOUBT ABOUT THAT?

10:13AM 4 PROSPECTIVE JUROR: NO.

10:13AM 5 THE COURT: AND, AGAIN, THANK YOU FOR THE ENTRE AND

10:13AM 6 LETTING ME ASK THAT.

10:13AM 7 WERE THERE ANY OTHER HANDS IN RESPONSE TO THIS QUESTION?

10:13AM 8 YES, RIGHT IN FRONT OF YOU.

10:13AM 9 AND YOUR JUROR NUMBER IS?

10:13AM 10 PROSPECTIVE JUROR: 197.

10:13AM 11 THE COURT: YES, SIR, THANK YOU.

10:13AM 12 PROSPECTIVE JUROR: YES. SO I REMEMBER WHEN THIS

10:13AM 13 COMPANY WAS KIND OF BIG --

10:13AM 14 THE COURT: LET ME ASK YOU, I'M GOING TO ASK YOU IF

10:13AM 15 YOU WERE EXPOSED TO SOMETHING AND THE SOURCE OF THE EXPOSURE.

10:13AM 16 PROSPECTIVE JUROR: UH-HUH.

10:13AM 17 THE COURT: YES.

10:13AM 18 PROSPECTIVE JUROR: SO THE SOURCE OF THE EXPOSURE

10:13AM 19 WAS PRIMARILY JUST NEWS ARTICLES.

10:13AM 20 THE COURT: OKAY.

10:13AM 21 PROSPECTIVE JUROR: I WAS, YEAH, BROWSING THE

10:13AM 22 INTERNET AND CAME ACROSS NUMEROUS ARTICLES AND SKIMMED THEM.

10:13AM 23 I'M NOT FAMILIAR WITH THE DETAILS AT THIS POINT. I'VE

10:14AM 24 FORGOTTEN MOST OF THEM.

10:14AM 25 THE COURT: OKAY.

10:14AM 1 PROSPECTIVE JUROR: BUT, YEAH, I WAS EXPOSED TO A  
10:14AM 2 NUMBER OF ARTICLES.

10:14AM 3 THE COURT: HOW LONG AGO WOULD THAT HAVE BEEN? CAN  
10:14AM 4 YOU TIME STAMP THAT FOR US?

10:14AM 5 PROSPECTIVE JUROR: I WOULD SAY IT WAS MORE THAN A  
10:14AM 6 YEAR AGO. I CAN'T SAY IT MUCH MORE ACCURATELY THAN THAT.

10:14AM 7 THE COURT: OKAY. AND IT SOUNDS LIKE YOU DID NOT  
10:14AM 8 FOLLOW ANY OF THE CASE AGGRESSIVELY OR ANYTHING LIKE THAT?

10:14AM 9 PROSPECTIVE JUROR: NO, I DID NOT.

10:14AM 10 THE COURT: OKAY. DO YOU HAVE ANY OTHER KNOWLEDGE  
10:14AM 11 ABOUT THE CASE OTHER THAN WHAT YOU WERE EXPOSED TO ABOUT A YEAR  
10:14AM 12 AGO?

10:14AM 13 PROSPECTIVE JUROR: I DO NOT.

10:14AM 14 THE COURT: OKAY. YOU HAVE NO IDEA WHAT HAPPENED IN  
10:14AM 15 THE CASE OR ANYTHING ABOUT THIS CASE?

10:14AM 16 PROSPECTIVE JUROR: NO.

10:14AM 17 THE COURT: OKAY. ALL RIGHT.

10:14AM 18 ANYTHING ELSE YOU -- ANY OTHER EXPOSURE OR ANYTHING ELSE  
10:14AM 19 YOU THINK I SHOULD KNOW ABOUT OR WE SHOULD KNOW ABOUT?

10:14AM 20 PROSPECTIVE JUROR: NOPE.

10:14AM 21 THE COURT: LET ME ASK YOU THE QUESTION I ASKED YOUR  
10:14AM 22 COLLEAGUE BEHIND YOU. IS THERE ANYTHING ABOUT THE EXPOSURE  
10:15AM 23 THAT YOU'VE HAD THAT YOU THINK WILL AFFECT YOUR ABILITY TO BE  
10:15AM 24 FAIR AND IMPARTIAL TO BOTH SIDES HERE?

10:15AM 25 PROSPECTIVE JUROR: NO.



10:15AM 1 THE COURT: OKAY. CAN YOU BE FAIR TO THE DEFENSE?

10:15AM 2 PROSPECTIVE JUROR: YES.

10:15AM 3 THE COURT: AND ANY DOUBT IN YOUR MIND ABOUT THAT?

10:15AM 4 PROSPECTIVE JUROR: NO.

10:15AM 5 THE COURT: CAN YOU BE FAIR TO THE GOVERNMENT?

10:15AM 6 PROSPECTIVE JUROR: YEP.

10:15AM 7 THE COURT: AND ANY DOUBT IN YOUR MIND ABOUT THAT?

10:15AM 8 PROSPECTIVE JUROR: NO.

10:15AM 9 THE COURT: OKAY. THANK YOU VERY MUCH, SIR.

10:15AM 10 AND I THINK YOUR COLLEAGUE NEXT TO YOU, 196; IS THAT

10:15AM 11 RIGHT?

10:15AM 12 PROSPECTIVE JUROR: YEAH, THAT'S RIGHT.

10:15AM 13 THE COURT: THANK YOU. GOOD MORNING.

10:15AM 14 PROSPECTIVE JUROR: HI. SO MY EXPOSURE IS VERY

10:15AM 15 SIMILAR TO MY NEIGHBOR TO MY LEFT, EXCEPT THAT IT WAS A BIT

10:15AM 16 MORE RECENT. IT WAS FROM THE JANUARY EVENTS.

10:15AM 17 I WON'T SAY THAT I KNOW THE FULL DETAILS OF EVERYTHING,

10:15AM 18 BUT, YOU KNOW, I DID SKIM THE ARTICLES AND I KIND OF KNOW THE

10:15AM 19 BASIC PREMISE OF WHAT HAPPENED.

10:15AM 20 THE COURT: SO DID YOU -- OKAY. ARE THESE ARTICLES

10:15AM 21 NEWSPAPER ARTICLES?

10:15AM 22 PROSPECTIVE JUROR: THAT'S RIGHT.

10:15AM 23 THE COURT: OKAY. AND CAN YOU TELL ME THE NEWSPAPER

10:16AM 24 IF YOU RECALL IT?

10:16AM 25 PROSPECTIVE JUROR: WELL, ACTUALLY IT'S THE

10:16AM 1 INTERNET, RIGHT?

10:16AM 2 THE COURT: OH.

10:16AM 3 PROSPECTIVE JUROR: IT'S CNN AND --

10:16AM 4 THE COURT: I SEE.

10:16AM 5 PROSPECTIVE JUROR: YEAH.

10:16AM 6 THE COURT: AND THE MOST RECENT EXPOSURE WAS WHEN?

10:16AM 7 PROSPECTIVE JUROR: JANUARY OF THIS YEAR.

10:16AM 8 THE COURT: OKAY. IN JANUARY. ALL RIGHT.

10:16AM 9 AND PRIOR TO JANUARY, WHICH IS LAST YEAR, ISN'T IT, DID

10:16AM 10 YOU FOLLOW THE CASE OR RECEIVE INFORMATION ABOUT THE CASE?

10:16AM 11 PROSPECTIVE JUROR: NOT REALLY. ONLY ABOUT THE

10:16AM 12 COMPANY AND SUCH WHEN IT WAS --

10:16AM 13 THE COURT: OKAY. OKAY.

10:16AM 14 JUST WHAT WAS IN THE NEWS ABOUT THE COMPANY?

10:16AM 15 PROSPECTIVE JUROR: THAT'S RIGHT.

10:16AM 16 THE COURT: IS THIS SOMETHING THAT YOU READ EVERY

10:16AM 17 DAY? EVERY WEEK? WAS IT SOMETHING THAT YOU FOLLOWED?

10:16AM 18 PROSPECTIVE JUROR: WHEN THE COMPANY --

10:16AM 19 THE COURT: WHEN THE CASE WAS FIRST -- AS FAR AS

10:16AM 20 WHEN YOU GOT INFORMATION ABOUT THE CASE, IS THIS SOMETHING THAT

10:16AM 21 YOU CONTINUED TO KEEP AN INTEREST IN SUCH THAT YOU FOLLOWED IT?

10:16AM 22 PROSPECTIVE JUROR: NOT ACTIVELY.

10:16AM 23 THE COURT: OKAY.

10:16AM 24 PROSPECTIVE JUROR: BUT IF IT SHOWED UP IN MY NEWS

10:16AM 25 FEED, I WOULD GO OVER IT.

10:16AM 1 THE COURT: AND READ THE ARTICLE OR WHATEVER?

10:16AM 2 PROSPECTIVE JUROR: YEAH.

10:17AM 3 THE COURT: THAT'S WHAT THEY'RE CALLED, NEWS FEEDS,  
10:17AM 4 AREN'T THEY? THAT'S WHAT IT IS. THANK YOU.

10:17AM 5 PROSPECTIVE JUROR: SOMETIMES IF YOU READ A PIECE OF  
10:17AM 6 NEWS, IT SHOWS YOU MORE ARTICLES RELATED TO THAT.

10:17AM 7 THE COURT: IT SAYS READ MORE HERE AND YOU PUSH THE  
10:17AM 8 BUTTON AND THEN SOMETHING ELSE COMES UP.

10:17AM 9 DID YOU DO THAT ON OCCASION?

10:17AM 10 PROSPECTIVE JUROR: SOMETIMES, YEAH.

10:17AM 11 THE COURT: ALL RIGHT.

10:17AM 12 PROSPECTIVE JUROR: IF THE ARTICLE LOOKED  
10:17AM 13 INTERESTING ENOUGH.

10:17AM 14 THE COURT: RIGHT.

10:17AM 15 HAVE YOU WATCHED ANY OF -- YOU HEARD SOME OF YOUR  
10:17AM 16 COLLEAGUES TALK ABOUT A TELEVISION SHOW. HAVE YOU WATCHED ANY  
10:17AM 17 TELEVISION SHOWS ABOUT THIS?

10:17AM 18 PROSPECTIVE JUROR: I HAVE SEEN THE ADVERTISEMENTS  
10:17AM 19 FOR IT, BUT I HAVEN'T SEEN THE SHOWS THEMSELVES.

10:17AM 20 THE COURT: OKAY. ALL RIGHT.

10:17AM 21 LET ME ASK YOU THE QUESTION THAT I ASKED YOUR COLLEAGUES.  
10:17AM 22 IS THERE ANYTHING ABOUT WHAT YOU'VE READ, LISTENED TO, OR BEEN  
10:17AM 23 EXPOSED TO THAT YOU THINK WILL AFFECT YOUR ABILITY TO BE FAIR  
10:17AM 24 AND IMPARTIAL TO BOTH SIDES HERE?

10:17AM 25 PROSPECTIVE JUROR: I WOULD LIKE TO SAY I HAVE A

10:17AM 1 FORM OF -- I HAVE FORMED AN OPINION IN MY HEAD.

10:18AM 2 THE COURT: OKAY. AND IS THIS SOMETHING THAT YOU  
10:18AM 3 THINK WOULD BENEFIT FROM PRIVATE CONVERSATION?

10:18AM 4 PROSPECTIVE JUROR: MAYBE, YEAH. SURE.

10:18AM 5 THE COURT: OKAY. OKAY.

10:18AM 6 YOU HEARD ME TALK ABOUT DECIDING THIS CASE ONLY ON THE  
10:18AM 7 EVIDENCE IN THIS COURTROOM.

10:18AM 8 DO YOU THINK THAT'S SOMETHING THAT YOU COULD DO  
10:18AM 9 NOTWITHSTANDING EVERYTHING THAT YOU'VE SEEN?

10:18AM 10 PROSPECTIVE JUROR: I COULD, YEAH.

10:18AM 11 THE COURT: OKAY.

10:18AM 12 PROSPECTIVE JUROR: BUT I'M NOT SURE HOW THAT MIGHT  
10:18AM 13 SWAY.

10:18AM 14 THE COURT: YOU THINK YOU MIGHT HAVE AN OPINION  
10:18AM 15 BASED ON EVERYTHING -- ON YOUR EXPOSURE?

10:18AM 16 PROSPECTIVE JUROR: YEAH.

10:18AM 17 THE COURT: OKAY. AND IF THE, IF THE INSTRUCTIONS  
10:18AM 18 WERE TO -- MY INSTRUCTIONS, IF THE LAW WAS YOU MAY NOT CONSIDER  
10:18AM 19 ANYTHING ELSE, YOU MAY ONLY CONSIDER THE EVIDENCE THAT YOU  
10:18AM 20 HEARD, SAW, OR WERE EXPOSED TO IN THE COURTROOM, IS THAT  
10:18AM 21 SOMETHING THAT YOU COULD DO?

10:19AM 22 PROSPECTIVE JUROR: YEAH, I THINK SO.

10:19AM 23 THE COURT: COULD YOU PUT ASIDE WHAT YOU TOLD ME YOU  
10:19AM 24 JUST SAW, THE ARTICLES OF CNN, THE ARTICLES AND ALL OF THOSE  
10:19AM 25 THINGS?

10:19AM 1 PROSPECTIVE JUROR: I THINK SO, YEAH.

10:19AM 2 THE COURT: OKAY. HAVE YOU EVER HAD TO DO THAT  
10:19AM 3 BEFORE, THIS EXERCISE BEFORE?

10:19AM 4 PROSPECTIVE JUROR: NO, I HAVE NOT.

10:19AM 5 THE COURT: NOT MANY PEOPLE HAVE. IT'S AN  
10:19AM 6 INTERESTING CONCEPT, ISN'T IT? BUT IT'S AN IMPORTANT ONE, A  
10:19AM 7 VITALLY CRITICAL ONE, AND THAT'S WHY I'M SPENDING THE TIME,  
10:19AM 8 YOUR TIME THIS MORNING TALKING ABOUT THIS.

10:19AM 9 SO WHAT WE DO IS I ASK YOU TO -- I UNDERSTAND YOU'VE HAD  
10:19AM 10 EXPOSURE, BUT YOU HAVE TO FORGET ALL ABOUT THAT AND PUT IT  
10:19AM 11 ASIDE AND LISTEN TO THIS CASE ONLY ON THE EVIDENCE HERE.

10:19AM 12 AND YOU HEARD YOUR COLLEAGUES TALK ABOUT, WELL, I HAD SOME  
10:19AM 13 EXPOSURE, AND I THINK I UNDERSTAND THE JOB OF A JUROR IS TO NOT  
10:19AM 14 EVEN THINK ABOUT THAT.

10:19AM 15 IT MAY BE IN THE COURSE OF THE TRIAL YOU MIGHT HEAR  
10:19AM 16 SOMETHING, IF YOU'RE SELECTED AS A JUROR, YOU MIGHT HEAR  
10:19AM 17 SOMETHING THAT TRIGGERS "I THINK I SAW THAT OR READ SOMETHING  
10:20AM 18 ABOUT THAT."

10:20AM 19 AND THE JUROR'S TASK IS TO PARSE THAT, SEPARATE THAT.  
10:20AM 20 THAT'S NOT WHAT YOU MAKE A DECISION ON IS AN ARTICLE THAT  
10:20AM 21 SOMEBODY WHO WROTE HUNDREDS OF MILES AWAY WHO MAY NOT HAVE BEEN  
10:20AM 22 IN THE COURTROOM WHO IS SHARING THEIR OPINION.

10:20AM 23 BUT THE JUROR'S JOB IS TO DECIDE THE EVIDENCE. YOU KNOW  
10:20AM 24 WHAT A JUROR IS? JURORS ARE ACTUALLY JUDGES. YOU'RE A JUDGE.  
10:20AM 25 YOU ARE THE JUDGES OF THE FACTS OF THE CASE. YOU GET TO DECIDE

10:20AM 1 WHAT HAPPENED. YOU, AS JURORS, GET TO MAKE DECISIONS ON  
10:20AM 2 CREDIBILITY, DO I BELIEVE THIS WITNESS OR NOT? DO I BELIEVE  
10:20AM 3 SOME OF WHAT THIS WITNESS SAID, ALL OF WHAT THEY SAID, OR PART  
10:20AM 4 OF IT? YOU GET TO MAKE THOSE DECISIONS, SO YOU ARE THE JUDGES  
10:20AM 5 OF THE FACTS OF THE CASE.

10:20AM 6 YOU APPLY THE LAW THAT I GIVE TO YOU TO THE FACTS THAT  
10:20AM 7 YOU, THE JURORS, FIND THEM. THAT'S A BIG DEAL. AND THAT'S WHY  
10:21AM 8 I'M SPENDING THIS TIME TRYING TO IMPRESS UPON YOU THE  
10:21AM 9 IMPORTANCE OF MAKING A DECISION ONLY ON THE EVIDENCE IN THIS  
10:21AM 10 COURTROOM AND NOT OUTSIDE.

10:21AM 11 THANK YOU FOR GIVING ME, AGAIN, THE OPPORTUNITY TO DO  
10:21AM 12 THIS.

10:21AM 13 PROSPECTIVE JUROR: SURE.

10:21AM 14 THE COURT: ANY QUESTION ABOUT ANYTHING THAT I'VE  
10:21AM 15 ASKED YOU OR ANY OTHER COMMENT THAT YOU WANT TO MAKE?

10:21AM 16 PROSPECTIVE JUROR: IT'S JUST -- I MEAN, IT'S JUST  
10:21AM 17 TAUGHT IN MY HEAD ABOUT HOW YOU -- I SAID I HAD FORMED AN  
10:21AM 18 OPINION.

10:21AM 19 THE COURT: YES.

10:21AM 20 PROSPECTIVE JUROR: AND YOU SAID I HAVE TO TRY TO  
10:21AM 21 LISTEN TO THE ARGUMENTS PRESENTED HERE TO BASE MY DECISION.

10:21AM 22 I'M JUST NOT SURE HOW -- IF I WOULD BE ABLE TO OR HOW I  
10:21AM 23 WOULD BE ABLE TO DO THAT.

10:21AM 24 THE COURT: SURE.

10:21AM 25 PROSPECTIVE JUROR: I JUST HAVE THAT CONCERN IN MY

10:21AM 1 HEAD.

10:21AM 2 THE COURT: NO. THANK YOU FOR THAT.

10:21AM 3 IS THIS YOUR FIRST JURY SERVICE?

10:21AM 4 PROSPECTIVE JUROR: YES, IT IS.

10:21AM 5 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

10:21AM 6 PROSPECTIVE JUROR: SURE.

10:21AM 7 THE COURT: WAS THERE ANOTHER HAND? YES, YOUR

10:21AM 8 NEIGHBOR.

10:22AM 9 IS THAT 195?

10:22AM 10 PROSPECTIVE JUROR: 195.

10:22AM 11 THE COURT: YES. GOOD MORNING.

10:22AM 12 PROSPECTIVE JUROR: SIMILAR TO MY NEIGHBORS. I'VE

10:22AM 13 SEEN ARTICLES, HEADLINES ON THINGS LIKE REDDIT AND SEEN COMMON

10:22AM 14 THREADS PROBABLY THREE TO SIX MONTHS AGO, NOTHING RECENT, AND I

10:22AM 15 DON'T REALLY REMEMBER ANY OF THE DETAILS.

10:22AM 16 THE COURT: OKAY.

10:22AM 17 DO YOU KNOW ANYTHING ABOUT OUTCOMES OF ANYTHING INVOLVED

10:22AM 18 IN THIS CASE?

10:22AM 19 PROSPECTIVE JUROR: NO.

10:22AM 20 THE COURT: OKAY. IT SOUNDS LIKE YOU HAVE NOT

10:22AM 21 WATCHED ANY OF THESE TELEVISION PROGRAMS?

10:22AM 22 PROSPECTIVE JUROR: NO.

10:22AM 23 THE COURT: I SEE.

10:22AM 24 IS THERE ANYTHING ABOUT YOUR EXPOSURE THAT YOU THINK WOULD

10:22AM 25 AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL TO BOTH SIDES?

10:22AM 1 PROSPECTIVE JUROR: JUST BASED OFF OF THE, I GUESS  
10:22AM 2 WHAT I CAN KIND OF REMEMBER, LIKE NOTHING IN PARTICULAR, BUT  
10:22AM 3 THE PERCEPTION OF WHAT OTHER PEOPLE'S OPINIONS OF WHAT I READ  
10:23AM 4 AND WHAT PEOPLE WERE KIND OF SAYING ABOUT IT, SO --

10:23AM 5 THE COURT: WOULD YOU -- WOULD THOSE -- WOULD YOU BE  
10:23AM 6 ABLE TO DIVORCE THOSE OPINIONS OF OTHERS --

10:23AM 7 PROSPECTIVE JUROR: YES.

10:23AM 8 THE COURT: -- FROM YOUR OPINION AS A JUROR IN THIS  
10:23AM 9 CASE?

10:23AM 10 PROSPECTIVE JUROR: YES.

10:23AM 11 THE COURT: DO YOU UNDERSTAND THAT TASK?

10:23AM 12 PROSPECTIVE JUROR: UH-HUH.

10:23AM 13 THE COURT: RIGHT. SO THAT'S THE QUESTION IS, WOULD  
10:23AM 14 YOU BE ABLE TO SEPARATE THOSE THINGS AND DECIDE THIS CASE ONLY  
10:23AM 15 ON THE EVIDENCE THAT YOU HEAR, SEE, AND LEARN ABOUT IN THIS  
10:23AM 16 TRIAL?

10:23AM 17 PROSPECTIVE JUROR: YES.

10:23AM 18 THE COURT: DO YOU THINK YOU WOULD HAVE DIFFICULTY  
10:23AM 19 DOING THAT?

10:23AM 20 PROSPECTIVE JUROR: I DON'T THINK SO.

10:23AM 21 THE COURT: OKAY. CAN YOU BE FAIR TO MR. BALWANI  
10:23AM 22 AND HIS SIDE?

10:23AM 23 PROSPECTIVE JUROR: YES.

10:23AM 24 THE COURT: CAN YOU BE FAIR TO THE GOVERNMENT?

10:23AM 25 PROSPECTIVE JUROR: YES.



10:23AM 1 THE COURT: ANY DOUBT IN YOUR MIND ABOUT THAT?

10:23AM 2 PROSPECTIVE JUROR: NO.

10:23AM 3 THE COURT: OKAY. ALL RIGHT. THANK YOU VERY MUCH.

10:23AM 4 THANK YOU.

10:23AM 5 YES. IS THIS 206?

10:23AM 6 PROSPECTIVE JUROR: 207.

10:23AM 7 THE COURT: 207. THANK YOU.

10:23AM 8 PROSPECTIVE JUROR: GOOD MORNING.

10:23AM 9 I HAVE SOME EXPOSURE -- I'VE HAD SOME EXPOSURE TO THERANOS

10:23AM 10 AND FOUNDERS SINCE ACTUALLY THE BEGINNING OF THE COMPANY

10:23AM 11 BECAUSE IT WAS QUITE, YOU KNOW, PUBLICLY DISCUSSED AND I WORK

10:24AM 12 IN TECH AND IT WAS AN INTERESTING TOPIC.

10:24AM 13 THE COURT: YOU READ ARTICLES?

10:24AM 14 PROSPECTIVE JUROR: ARTICLES AND RADIO SHOWS AND

10:24AM 15 PROFILING OF ELIZABETH HOLMES AND SO ON.

10:24AM 16 THE COURT: OKAY. ALL RIGHT.

10:24AM 17 PROSPECTIVE JUROR: AND BASICALLY AFTER THE

10:24AM 18 COMPANY'S DEMISE, I DIDN'T FOLLOW UP ON THE CASE.

10:24AM 19 THE COURT: OKAY.

10:24AM 20 PROSPECTIVE JUROR: AND THEN WHAT I'VE HEARD

10:24AM 21 PREVIOUSLY AND JUST ADVERTISEMENTS ON THE NEW SHOW EVERYWHERE

10:24AM 22 AND ON FACEBOOK, ET CETERA.

10:24AM 23 AND ALSO I'VE HEARD ABOUT THE TRIAL OF ELIZABETH HOLMES.

10:24AM 24 THE COURT: DID YOU HEAR ABOUT THE OUTCOME OF THAT

10:24AM 25 TRIAL OR ANYTHING ABOUT THAT?

10:24AM 1 PROSPECTIVE JUROR: I DIDN'T FOLLOW IT. I JUST  
10:24AM 2 HEARD THAT IT HAPPENED. I DIDN'T FOLLOW IT ALL OF THE WAY.

10:24AM 3 THE COURT: OKAY. YOU DIDN'T FOLLOW IT?

10:24AM 4 PROSPECTIVE JUROR: YEAH.

10:24AM 5 THE COURT: AND HOW -- WHAT IS YOUR MOST RECENT  
10:24AM 6 EXPOSURE TO THAT CASE, SIR?

10:24AM 7 PROSPECTIVE JUROR: IT'S CONSTANT ADVERTISEMENT ON  
10:24AM 8 FACEBOOK OF THE SHOW "THE DROPOUT" I BELIEVE.

10:24AM 9 THE COURT: OKAY. I SEE. BUT YOU HAVE NOT WATCHED  
10:24AM 10 THE SHOW?

10:25AM 11 PROSPECTIVE JUROR: NO, I DIDN'T.

10:25AM 12 THE COURT: OKAY. IS THERE ANYTHING ABOUT THAT  
10:25AM 13 EXPOSURE THAT YOU'VE TOLD US ABOUT THAT YOU THINK WILL AFFECT  
10:25AM 14 YOUR ABILITY TO BE FAIR AND IMPARTIAL TO BOTH SIDES HERE?

10:25AM 15 PROSPECTIVE JUROR: I DON'T THINK IT WILL AFFECT MY  
10:25AM 16 POSITION.

10:25AM 17 THE COURT: OKAY. YOU HEARD ME TALK ABOUT THE  
10:25AM 18 UNIVERSE OF EVIDENCE THAT IS REQUIRED, AND THAT'S THE ONLY  
10:25AM 19 EVIDENCE THAT THE JURY CAN CONSIDER IN THEIR DECISION.

10:25AM 20 DO YOU THINK THAT YOU COULD DO THAT IF YOU'RE SEATED AS A  
10:25AM 21 JUROR IN THIS CASE?

10:25AM 22 PROSPECTIVE JUROR: YES, I THINK I CAN.

10:25AM 23 THE COURT: OKAY. ALL RIGHT.

10:25AM 24 CAN YOU BE FAIR TO MR. BALWANI AND HIS SIDE?

10:25AM 25 PROSPECTIVE JUROR: YES.

10:25AM 1 THE COURT: CAN YOU BE FAIR TO THE GOVERNMENT AND  
10:25AM 2 THEIR SIDE?  
10:25AM 3 PROSPECTIVE JUROR: YES, I CAN.  
10:25AM 4 THE COURT: DO YOU HAVE ANY DOUBTS ABOUT THAT IN  
10:25AM 5 YOUR MIND, SIR?  
10:25AM 6 PROSPECTIVE JUROR: NO.  
10:25AM 7 THE COURT: OKAY. ALL RIGHT. THANK YOU VERY MUCH.  
10:25AM 8 THANK YOU.  
10:25AM 9 PROSPECTIVE JUROR: HI AGAIN.  
10:25AM 10 THE COURT: YOU'RE.  
10:25AM 11 PROSPECTIVE JUROR: 222.  
10:26AM 12 THE COURT: OKAY.  
10:26AM 13 PROSPECTIVE JUROR: MY EXPOSURE IS I WATCH THE LOCAL  
10:26AM 14 NEWS EVERY MORNING WHEN I GET UP BEFORE MY DAUGHTER MAKES ME  
10:26AM 15 TURN IT TO SHE-RA, AND SO I DID SEE ALL OF THE LOCAL NEWS  
10:26AM 16 COVERAGE OF THE ELIZABETH HOLMES TRIAL.  
10:26AM 17 THE COURT: OKAY. ALL RIGHT. AND WHAT IS THE MOST  
10:26AM 18 RECENT NEWS THAT YOU WATCH, NOT WHAT YOU WATCHED, BUT DATE AND  
10:26AM 19 TIME STAMP IT FOR ME.  
10:26AM 20 PROSPECTIVE JUROR: THE MOST RECENT NEWS?  
10:26AM 21 THE COURT: YES.  
10:26AM 22 PROSPECTIVE JUROR: THIS MORNING.  
10:26AM 23 THE COURT: THIS MORNING. ALL RIGHT. THANK YOU  
10:26AM 24 VERY MUCH, THANK YOU.  
10:26AM 25 WHO ELSE?

10:26AM 1 PROSPECTIVE JUROR: JUROR NUMBER 221, AND I BELIEVE  
10:26AM 2 IT WAS SOMETIME DURING THE PANDEMIC OR MAYBE SOMETIME IN 2020,  
10:26AM 3 WHAT I WATCHED WAS EITHER ON HBO OR "20/20." I'M NOT SURE.

10:26AM 4 THE COURT: OKAY.

10:26AM 5 PROSPECTIVE JUROR: BUT IT WAS PRIMARILY BASED ON  
10:26AM 6 ELIZABETH HOLMES, AND I DON'T REALLY REMEMBER ANYTHING OTHER  
10:26AM 7 THAN THAT.

10:26AM 8 THE COURT: OKAY. AND IS THAT YOUR LAST EXPOSURE TO  
10:26AM 9 ANYTHING ABOUT THIS CASE?

10:27AM 10 PROSPECTIVE JUROR: THAT IS CORRECT.

10:27AM 11 THE COURT: OKAY. ANYTHING ABOUT THAT EXPOSURE THAT  
10:27AM 12 YOU THINK WILL AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL TO  
10:27AM 13 BOTH SIDES HERE?

10:27AM 14 PROSPECTIVE JUROR: I WOULD SAY NO.

10:27AM 15 THE COURT: OKAY. CAN YOU BE FAIR TO MR. BALWANI?

10:27AM 16 PROSPECTIVE JUROR: YES.

10:27AM 17 THE COURT: CAN YOU BE FAIR TO THE GOVERNMENT?

10:27AM 18 PROSPECTIVE JUROR: YES.

10:27AM 19 THE COURT: ANY DOUBT IN YOUR MIND ABOUT THAT?

10:27AM 20 PROSPECTIVE JUROR: NO.

10:27AM 21 THE COURT: OKAY. THANK YOU VERY MUCH. THANK YOU.  
10:27AM 22 WHO WAS NEXT? YES.

10:27AM 23 PROSPECTIVE JUROR: JUROR 216.

10:27AM 24 THE COURT: YES.

10:27AM 25 PROSPECTIVE JUROR: I THINK MAYBE THROUGHOUT

10:27AM 1 THERANOS'S EXISTENCE OR ITS DEMISE, I KNOW I'VE HEARD A HANDFUL  
10:27AM 2 OF NPR OR AMERICAN PUBLIC MEDIA MARKETPLACE STORIES ON THE  
10:27AM 3 COMPANY OR ITS FOUNDER, ELIZABETH HOLMES.

10:27AM 4 I KNOW I HAVE MAYBE READ AN ARTICLE OR TWO ON CNN OVER THE  
10:27AM 5 LAST WHO KNOWS HOW MANY MONTHS OR YEARS.

10:27AM 6 I KNOW I SAW A CNN HEADLINE ABOUT THIS CASE LAST NIGHT  
10:27AM 7 THAT I SCROLLED PAST.

10:27AM 8 I DID FIND MYSELF IN A CATCH 22 THE DAY WE FILLED OUT OUR  
10:28AM 9 JUROR SURVEYS WHERE I WENT HOME AND TOLD MY WIFE, WHO KNEW I  
10:28AM 10 HAD JURY DUTY, THAT I FILLED OUT A SURVEY AND I WASN'T GOING TO  
10:28AM 11 TALK ABOUT THE CASE.

10:28AM 12 WE THEN SAT DOWN TO WATCH T.V. AND THE "LAW AND ORDER"  
10:28AM 13 EPISODE WAS A FANTASTICAL RETELLING OF A VERSION OF THERANOS,  
10:28AM 14 ELIZABETH HOLMES, AND THE DEFENDANT FOR THIS CASE.

10:28AM 15 SO I DIDN'T WANT TO SAY: LET'S NOT WATCH THIS FOR REASONS  
10:28AM 16 I CAN'T TELL YOU ABOUT RIGHT NOW," KNOWING THAT IT WAS GOING TO  
10:28AM 17 TAKE THE HEADLINE AND THEN MAKE IT SOMETHING VERY DIFFERENT AS  
10:28AM 18 THE SHOW DOES.

10:28AM 19 I HAVE ALSO SEEN THE COMMERCIALS FOR THE HULU SHOW AND THE  
10:28AM 20 BILLBOARDS FOR IT, AND I HAVE NOT WATCHED IT.

10:28AM 21 THE COURT: OKAY. DID YOU WATCH THE "LAW AND" --  
10:28AM 22 PROSPECTIVE JUROR: THE "LAW AND ORDER" EPISODE,  
10:28AM 23 YES.

10:28AM 24 THE COURT: YES. AND THAT'S AN ENTERTAINMENT  
10:28AM 25 TELEVISION BASED MADE FOR T.V.

10:28AM 1 PROSPECTIVE JUROR: YES, TAKE THE HEADLINE AND MAKE  
10:28AM 2 SOMETHING FANTASTICAL OUT OF IT.  
10:28AM 3 THE COURT: ALL RIGHT. THANK YOU.  
10:28AM 4 ANYTHING ELSE?  
10:28AM 5 PROSPECTIVE JUROR: NO, SIR.  
10:29AM 6 THE COURT: ANYTHING ABOUT THOSE EXPOSURES THAT YOU  
10:29AM 7 THINK WILL IMPAIR YOUR ABILITY TO BE FAIR AND IMPARTIAL TO BOTH  
10:29AM 8 SIDES?  
10:29AM 9 PROSPECTIVE JUROR: NO, SIR.  
10:29AM 10 THE COURT: CAN YOU BE FAIR TO MR. BALWANI?  
10:29AM 11 PROSPECTIVE JUROR: YES.  
10:29AM 12 THE COURT: ANY DOUBT IN YOUR MIND ABOUT THAT?  
10:29AM 13 PROSPECTIVE JUROR: NO.  
10:29AM 14 THE COURT: CAN YOU BE FAIR TO THE GOVERNMENT?  
10:29AM 15 PROSPECTIVE JUROR: YES.  
10:29AM 16 THE COURT: ANY DOUBT IN YOUR MIND ABOUT THAT?  
10:29AM 17 PROSPECTIVE JUROR: NO.  
10:29AM 18 THE COURT: WILL YOU, IF YOU'RE SEATED AS A JUROR,  
10:29AM 19 WILL YOU, EXCUSE ME, DECIDE THIS CASE SOLELY ON THE UNIVERSE OF  
10:29AM 20 THE INFORMATION THAT YOU RECEIVE IN THIS COURTROOM AND NOT ON  
10:29AM 21 ANYTHING ELSE?  
10:29AM 22 PROSPECTIVE JUROR: YES.  
10:29AM 23 THE COURT: IS THAT SOMETHING THAT YOU CAN DO?  
10:29AM 24 PROSPECTIVE JUROR: YES.  
10:29AM 25 THE COURT: OKAY. THANK YOU VERY MUCH.

10:29AM 1 IF YOU WOULD PASS IT TO -- YES, AND YOU ARE?

10:29AM 2 PROSPECTIVE JUROR: 210.

10:29AM 3 THE COURT: 210. THANK YOU. GOOD MORNING.

10:29AM 4 PROSPECTIVE JUROR: SO I THINK WHEN I FILLED OUT THE  
10:29AM 5 QUESTIONNAIRE I WAS THINKING OF THE DEFENDANT'S LAST NAME AND I  
10:29AM 6 DIDN'T PAY TOO MUCH ATTENTION TO ELIZABETH HOLMES.

10:29AM 7 BUT THEN AFTER I FILLED OUT THE FORM, I REALIZED THAT,  
10:29AM 8 BEING PART OF THE TECH INDUSTRY, MORE THAN THE THERANOS CASE  
10:30AM 9 ABOUT EIGHT OR NINE YEARS AGO, I USED TO FOLLOW  
10:30AM 10 ELIZABETH HOLMES.

10:30AM 11 SO I FEEL LIKE I WAS MORE OF A FAN OF HERS, HER BEING THE  
10:30AM 12 WOMAN OR WHATEVER.

10:30AM 13 THE COURT: AND WHAT DID YOU READ -- OR EXCUSE ME,  
10:30AM 14 NOT WHAT YOU READ, BUT WHERE? DID YOU READ THIS ON THE  
10:30AM 15 INTERNET? DID YOU FOLLOW T.V. SHOWS?

10:30AM 16 PROSPECTIVE JUROR: NO, I DON'T WATCH T.V. SHOWS,  
10:30AM 17 BUT IT'S COMING ON YAHOO. AND WHEN YOU HAVE YOUR LAPTOP IN  
10:30AM 18 FRONT OF YOU TEN HOURS A DAY, SOMETHING POPS UP.

10:30AM 19 THE COURT: YES.

10:30AM 20 PROSPECTIVE JUROR: AND SO I READ MORE THAN OTHER  
10:30AM 21 CASES, OR NOT CASES, BUT ABOUT THE PERSON.

10:30AM 22 THE COURT: OKAY.

10:30AM 23 PROSPECTIVE JUROR: SO I DID KNOW ABOUT THE PREVIOUS  
10:30AM 24 CASE VERDICT, AND SO --

10:30AM 25 THE COURT: SO LET ME ASK YOU, WHAT IS THE MOST

10:30AM 1 RECENT EXPOSURE THAT YOU'VE HEARD ABOUT?

10:30AM 2 PROSPECTIVE JUROR: THE RECENT NEWS I HEARD ABOUT --

10:30AM 3 THE COURT: NO. TIME STAMP THAT FOR ME.

10:31AM 4 PROSPECTIVE JUROR: WHEN THE LAST VERDICT HAPPENED.

10:31AM 5 THE COURT: OKAY. SO YOU -- THE LAST TIME YOU HEARD

10:31AM 6 SOMETHING ABOUT THIS CASE WAS LAST YEAR? THIS YEAR?

10:31AM 7 PROSPECTIVE JUROR: PROBABLY LAST YEAR.

10:31AM 8 THE COURT: LAST YEAR. OKAY. ALL RIGHT.

10:31AM 9 LET ME ASK YOU, IS THERE ANYTHING ABOUT YOUR EXPOSURE,

10:31AM 10 THAT EXPOSURE, THAT YOU THINK WILL AFFECT YOUR ABILITY TO BE

10:31AM 11 FAIR TO BOTH SIDES?

10:31AM 12 PROSPECTIVE JUROR: I THINK SO.

10:31AM 13 THE COURT: OKAY. IS THIS SOMETHING THAT YOU'D LIKE

10:31AM 14 TO TALK ABOUT PRIVATELY?

10:31AM 15 PROSPECTIVE JUROR: YEAH.

10:31AM 16 THE COURT: OKAY. WE CAN DO THAT. THANK YOU.

10:31AM 17 GOOD MORNING.

10:31AM 18 PROSPECTIVE JUROR: GOOD MORNING. MY NUMBER IS 209.

10:31AM 19 THE COURT: 209. YES.

10:31AM 20 PROSPECTIVE JUROR: ACTUALLY, I USED TO WORK FOR

10:31AM 21 MEDICAL DEVICE, AND THAT'S WHY I HEARD ABOUT THE NAME OF

10:31AM 22 THERANOS, LIKE, MANY YEARS AGO. BUT LIKE, RECENTLY IS LAST

10:31AM 23 YEAR WHEN THE ELIZABETH HOLMES CASE OPENED, I FOLLOWED THE

10:32AM 24 CASE.

10:32AM 25 THE COURT: YOU FOLLOWED THE CASE?



10:32AM 1 PROSPECTIVE JUROR: CORRECT.

10:32AM 2 THE COURT: AND TELL ME WHAT YOU DID TO FOLLOW THE

10:32AM 3 CASE. DID YOU READ NEWSPAPERS? HEAR IT ON THE RADIO?

10:32AM 4 PROSPECTIVE JUROR: I DID A LOT OF GOOGLE SEARCH

10:32AM 5 ABOUT ELIZABETH HOLMES, AND SAME THING LIKE MR. BALWANI. SO,

10:32AM 6 YEAH.

10:32AM 7 THE COURT: OKAY. AND HOW MANY TIMES DID YOU DO

10:32AM 8 THAT?

10:32AM 9 PROSPECTIVE JUROR: I DID ALMOST EVERY DAY.

10:32AM 10 THE COURT: I SEE. UH-HUH.

10:32AM 11 AND WHEN WAS THE LAST TIME YOU DID THAT?

10:32AM 12 PROSPECTIVE JUROR: LAST TIME --

10:32AM 13 THE COURT: JUST TELL ME WHEN, LAST YEAR OR THIS

10:32AM 14 YEAR.

10:32AM 15 PROSPECTIVE JUROR: THIS YEAR WHEN

10:32AM 16 ELIZABETH HOLMES --

10:32AM 17 THE COURT: OKAY. ALL RIGHT. THANK YOU.

10:32AM 18 ANYTHING ABOUT THAT EXPERIENCE, YOUR INFORMATION THAT YOU

10:32AM 19 RECEIVED THAT YOU THINK WILL AFFECT YOUR ABILITY TO BE FAIR TO

10:32AM 20 BOTH SIDES HERE?

10:32AM 21 PROSPECTIVE JUROR: TO BE HONEST, I READ ALL OF THE

10:32AM 22 NEGATIVE INFORMATION ABOUT IT, SO IT MIGHT AFFECT ME.

10:32AM 23 THE COURT: OKAY. OKAY. ALL RIGHT. THANK YOU.

10:32AM 24 ALL RIGHT. WHO IS NEXT? BEHIND YOU.

10:33AM 25 PROSPECTIVE JUROR: JUROR 225.

10:33AM 1 THE COURT: YES.

10:33AM 2 PROSPECTIVE JUROR: I WASN'T SURE BY SAYING NOTHING  
10:33AM 3 IF THAT MADE ME LOOK WORSE, SO I JUST WANTED TO OWN UP TO WHAT  
10:33AM 4 I WROTE AND THAT'S ABOUT IT.

10:33AM 5 PREDOMINANTLY ONLY READ HEADLINES ABOUT THE CASE, THE ONE  
10:33AM 6 REGARDING THE FEMALE.

10:33AM 7 THE COURT: OKAY.

10:33AM 8 PROSPECTIVE JUROR: BUT I ONLY REMEMBER, LIKE,  
10:33AM 9 READING HEADLINES AND KNOWING WHAT THE OUTCOME WAS OF THAT  
10:33AM 10 TRIAL.

10:33AM 11 THE COURT: OKAY. AND HOW LONG -- SO THAT WAS SOME  
10:33AM 12 TIME AGO, WAS IT?

10:33AM 13 PROSPECTIVE JUROR: I WORKED 200 HOURS OF OVERTIME  
10:33AM 14 LAST MONTH, SO I HONESTLY CAN'T TELL YOU. WHENEVER THAT  
10:33AM 15 HEADLINE CAME OUT, I REMEMBER SEEING IT.

10:33AM 16 BUT I DON'T THINK IT WOULD IMPAIR MY JUDGMENT OR MY  
10:33AM 17 ABILITY TO BE IMPARTIAL.

10:33AM 18 THE COURT: OKAY. THANK YOU.

10:33AM 19 YOU HAVE NOT WATCHED THIS TELEVISION SHOW OR THE HULU SHOW  
10:33AM 20 OR ANYTHING OF THAT?

10:33AM 21 PROSPECTIVE JUROR: I WATCH A LOT OF NETFLIX, BUT  
10:33AM 22 NOT ANY OF THAT.

10:33AM 23 THE COURT: OKAY. ALL RIGHT. THANK YOU.

10:33AM 24 DO YOU HAVE ANY DOUBT IN YOUR MIND AS TO WHETHER YOU COULD  
10:33AM 25 BE FAIR AND IMPARTIAL TO BOTH SIDES HERE?

10:34AM 1 PROSPECTIVE JUROR: I HAVE NO DOUBTS.

10:34AM 2 THE COURT: YOU COULD BE FAIR TO MR. BALWANI?

10:34AM 3 PROSPECTIVE JUROR: YES.

10:34AM 4 THE COURT: YOU COULD BE FAIR TO THE GOVERNMENT?

10:34AM 5 PROSPECTIVE JUROR: YES.

10:34AM 6 THE COURT: NO DOUBT IN YOUR MIND ABOUT THOSE?

10:34AM 7 PROSPECTIVE JUROR: NO.

10:34AM 8 THE COURT: OKAY. THANK YOU.

10:34AM 9 PROSPECTIVE JUROR: GOOD MORNING.

10:34AM 10 THE COURT: YES.

10:34AM 11 PROSPECTIVE JUROR: JUROR 237.

10:34AM 12 I DIDN'T PUT THIS ON MY QUESTIONNAIRE BECAUSE I DIDN'T

10:34AM 13 KNOW WHO IT WAS, BUT NOW LISTENING TO EVERYBODY HERE, I'M

10:34AM 14 THINKING ABOUT IT SINCE I WENT HOME FROM LAST WEEK.

10:34AM 15 IS ELIZABETH HOLMES THE BLONDE LADY THAT WAS ON THE NEWS

10:34AM 16 MAYBE SEVERAL YEARS AGO?

10:34AM 17 THE COURT: WELL, LET ME -- SIR, YOU KNOW, I

10:34AM 18 APPRECIATE YOU WANTING TO ASK ME QUESTIONS.

10:34AM 19 PROSPECTIVE JUROR: OH.

10:34AM 20 THE COURT: BUT I, I -- THIS IS MY TURN TO ASK YOU

10:34AM 21 QUESTIONS.

10:34AM 22 PROSPECTIVE JUROR: SORRY ABOUT THAT.

10:34AM 23 THE COURT: NO, NO, NO APOLOGY IS NEEDED.

10:34AM 24 BUT THE QUESTION DOES INFORM MY QUESTION.

10:34AM 25 SO LET ME ASK YOU, HAVE YOU -- TELL ME TO THINK ABOUT THE

10:34AM 1  
10:34AM 2  
10:34AM 3  
10:35AM 4  
10:35AM 5  
10:35AM 6  
10:35AM 7  
10:35AM 8  
10:35AM 9  
10:35AM 10  
10:35AM 11  
10:35AM 12  
10:35AM 13  
10:35AM 14  
10:35AM 15  
10:35AM 16  
10:35AM 17  
10:35AM 18  
10:35AM 19  
10:35AM 20  
10:35AM 21  
10:35AM 22  
10:35AM 23  
10:35AM 24  
10:35AM 25

QUESTION.

HAVE YOU HEARD ANYTHING ABOUT ANYTHING ABOUT THIS CASE  
THAT YOU RECALL?

PROSPECTIVE JUROR: NO. I JUST -- NEWS FEEDS, YOU  
SEE THE FACE OF THE LADY. BUT I NEVER -- IT REALLY NEVER  
INTRIGUED ME, SO I DIDN'T PAY ATTENTION.

THE COURT: OKAY.

PROSPECTIVE JUROR: SO I WANT TO CLARIFY THAT I  
HAVEN'T BEEN LIVING UNDER THE ROCK FOR THE LAST SEVERAL YEARS.

THE COURT: WELL, SIR, I'M SURE YOU HAVE A LOT OF  
OTHER THINGS ON YOUR PLATE AND OTHER THINGS THAT YOU'RE DOING  
THAT AFFORD AND RESPECT YOUR TIME.

SO, NO, NO APOLOGY IS NECESSARY. THANK YOU.

CAN YOU BE FAIR TO THE DEFENSE?

PROSPECTIVE JUROR: YES.

THE COURT: CAN YOU BE FAIR TO THE GOVERNMENT?

PROSPECTIVE JUROR: YES.

THE COURT: ANY DOUBT IN YOUR MIND ABOUT THAT?

PROSPECTIVE JUROR: NO.

THE COURT: OKAY. THANK YOU VERY MUCH.

ANYONE ELSE? ANY OTHER RESPONSES?

PROSPECTIVE JUROR: 236.

THE COURT: 236, YES.

PROSPECTIVE JUROR: SO THE ONLY THING I SAW WAS  
LOCAL NEWS.

10:35AM 1 THE COURT: LOCAL NEWSPAPER? RADIO?

10:35AM 2 PROSPECTIVE JUROR: T.V. NEWS.

10:35AM 3 THE COURT: T.V. NEWS. OKAY.

10:35AM 4 PROSPECTIVE JUROR: AND SO THE ONLY THING I WANTED

10:35AM 5 TO BRING UP IS THE LAST THING I HEARD FROM ELIZABETH HOLMES

10:35AM 6 WAS --

10:35AM 7 THE COURT: I DON'T WANT YOU TO TELL ME WHAT YOU

10:36AM 8 HEARD ABOUT, BUT THIS IS FOR THE SOURCE OF THE INFORMATION.

10:36AM 9 PROSPECTIVE JUROR: OKAY.

10:36AM 10 THE COURT: AND THIS IS FROM LOCAL NEWS DID YOU SAY?

10:36AM 11 PROSPECTIVE JUROR: YES, LOCAL NEWS. T.V.

10:36AM 12 THE COURT: I'M SORRY?

10:36AM 13 PROSPECTIVE JUROR: T.V. NEWS.

10:36AM 14 THE COURT: OKAY. AND HOW LONG AGO WAS THAT?

10:36AM 15 PROSPECTIVE JUROR: IT MUST HAVE BEEN JANUARY, I

10:36AM 16 GUESS.

10:36AM 17 THE COURT: OKAY. AND THERE WAS A STORY, I GUESS,

10:36AM 18 RUN ABOUT THE CASE?

10:36AM 19 PROSPECTIVE JUROR: A CLAIM. A CLAIM.

10:36AM 20 THE COURT: A CLAIM.

10:36AM 21 A CLAIM MADE ON THE NEWS YOU MEAN?

10:36AM 22 PROSPECTIVE JUROR: A CLAIM THAT ELIZABETH --

10:36AM 23 THE COURT: DON'T. I JUST WANT TO FIND OUT. I'M

10:36AM 24 TRYING TO PARSE WHAT IT IS.

10:36AM 25 PROSPECTIVE JUROR: YEAH, I MEAN, JUST JUDGMENT

10:36AM 1 BASED ON THAT.

10:36AM 2 THE COURT: I SEE. OKAY.

10:36AM 3 WELL, LET ME ASK YOU, CAN YOU BE FAIR TO MR. BALWANI IN  
10:36AM 4 THIS TRIAL IF YOU WERE SEATED AS A JUROR?

10:36AM 5 PROSPECTIVE JUROR: YES.

10:36AM 6 THE COURT: OKAY. ANY DOUBT IN YOUR MIND ABOUT  
10:36AM 7 THAT?

10:36AM 8 PROSPECTIVE JUROR: SOMEWHAT.

10:36AM 9 THE COURT: OKAY. CAN YOU BE FAIR TO THE GOVERNMENT  
10:36AM 10 HERE?

10:36AM 11 PROSPECTIVE JUROR: SURE, YES.

10:36AM 12 THE COURT: ANY DOUBT IN YOUR MIND ABOUT THAT?

10:36AM 13 PROSPECTIVE JUROR: NO DOUBT.

10:37AM 14 THE COURT: OKAY. ALL RIGHT. THANK YOU.

10:37AM 15 ANY OTHER ANSWERS TO THIS? I THINK I'VE TALKED TO  
10:37AM 16 EVERYONE. MAYBE ONE OR TWO PEOPLE.

10:37AM 17 OH, YES, I'M SORRY. I INVITED YOU TO RAISE YOUR HAND.

10:37AM 18 JUROR NUMBER, IS THAT 184?

10:37AM 19 PROSPECTIVE JUROR: CORRECT.

10:37AM 20 I JUST WANT TO, FOR COMPLETENESS, LET THE COURT KNOW THAT  
10:37AM 21 I WAS GENERALLY EXPOSED TO MEDIA HEADLINES, BUT HAVE NOTHING  
10:37AM 22 NEW TO REPORT THAT WASN'T IN THE RESPONSES TO MY JUROR  
10:37AM 23 QUESTIONNAIRE.

10:37AM 24 THE COURT: OKAY. THANK YOU FOR THAT.

10:37AM 25 ANYTHING ABOUT THAT EXPOSURE THAT YOU BELIEVE WILL AFFECT

10:37AM 1 YOUR ABILITY TO BE FAIR AND IMPARTIAL TO BOTH SIDES HERE?

10:37AM 2 PROSPECTIVE JUROR: NO, YOUR HONOR.

10:37AM 3 THE COURT: CAN YOU BE FAIR TO MR. BALWANI?

10:37AM 4 PROSPECTIVE JUROR: YES, YOUR HONOR.

10:37AM 5 THE COURT: CAN YOU BE FAIR TO THE GOVERNMENT?

10:37AM 6 PROSPECTIVE JUROR: YES, YOUR HONOR.

10:37AM 7 THE COURT: DO YOU HAVE ANY DOUBT IN YOUR MIND ABOUT  
10:37AM 8 THOSE TWO QUESTIONS IN YOUR ANSWERS?

10:37AM 9 PROSPECTIVE JUROR: NO.

10:37AM 10 THE COURT: OKAY. THANK YOU. THANK YOU VERY MUCH.

10:38AM 11 NOW, IF YOU'RE SEATED AS A JUROR IN THIS CASE, YOU WILL BE  
10:38AM 12 INSTRUCTED TO NOT READ, LISTEN TO MEDIA COVERAGE ABOUT THE  
10:38AM 13 CASE.

10:38AM 14 AS I SAID EARLIER, THIS IS IMPORTANT BECAUSE THE JUROR'S  
10:38AM 15 DECISION MUST BE FORMED ONLY ON THE EVIDENCE THAT IS RECEIVED  
10:38AM 16 IN THIS COURTROOM AND NOT ON INFORMATION RECEIVED OUTSIDE OF  
10:38AM 17 THE COURTHOUSE.

10:38AM 18 A JUROR WHO IS EXPOSED TO ANY OUTSIDE INFORMATION MUST  
10:38AM 19 REPORT THAT EXPOSURE TO THE COURT, THAT MEANS TO ME OR MY  
10:38AM 20 STAFF. AND THIS MAY BE DIFFICULT AND CHALLENGING AS I WAS  
10:38AM 21 TALKING ABOUT EARLIER. I NOW KNOW THE TERM "NEWS FEEDS," THAT  
10:38AM 22 PEOPLE HAVE THESE TYPES OF THINGS.

10:38AM 23 I'M ALSO INFORMED THAT THERE ARE WAYS TO DISABLE THESE,  
10:38AM 24 AND THAT MIGHT BE SOMETHING THAT WE'LL TALK ABOUT AS WELL.

10:38AM 25 BUT LET ME ASK YOU, IF YOU'RE SEATED AS A JUROR IN THIS

10:38AM 1 CASE, WOULD YOU BE -- ARE YOU WILLING AND ABLE TO ABIDE BY THIS  
10:38AM 2 ADMONITION, THAT IS, THAT YOU NOT DO ANY RESEARCH, COME ACROSS  
10:38AM 3 ANY INFORMATION, DO ANY INDEPENDENT RESEARCH OR TRY TO GAIN ANY  
10:39AM 4 INFORMATION OR DISCUSS THIS CASE WITH ANYONE?

10:39AM 5 ANYONE WHO CANNOT DO THAT?

10:39AM 6 I SEE NO HANDS.

10:39AM 7 PROSPECTIVE JUROR: I JUST HAVE A QUESTION ABOUT  
10:39AM 8 THAT.

10:39AM 9 THE COURT: YES. SURE.

10:39AM 10 JUROR NUMBER?

10:39AM 11 PROSPECTIVE JUROR: 185.

10:39AM 12 THE COURT: YES.

10:39AM 13 PROSPECTIVE JUROR: AND IT WAS MENTIONED WITH THE  
10:39AM 14 "LAW AND ORDER" EPISODE.

10:39AM 15 MY SPOUSE WANTED TO WATCH THE HULU DOCUMENTARY, AND I JUST  
10:39AM 16 CHANGED THE TOPIC ON TO SOMETHING ELSE.

10:39AM 17 BUT OVER 13 WEEKS, IF SOMEONE IS TO BRING THAT UP, WHAT IS  
10:39AM 18 THE RECOMMENDATION IF WE'RE NOT SUPPOSED TO BE TELLING SOMEONE  
10:39AM 19 WE'RE ON THE CASE?

10:39AM 20 THE COURT: RIGHT. WELL, YOU'LL HEAR, IF YOU'RE  
10:39AM 21 SEATED AS A JUROR IN THE CASE, YOU'LL HEAR AN INSTRUCTION THAT  
10:39AM 22 I INDICATE YOU MAY INFORM YOUR FAMILY AND YOUR EMPLOYER THAT  
10:39AM 23 YOU'RE SEATED ON A CASE, BUT YOU MAY NOT DISCUSS THE CASE,  
10:39AM 24 WHICH IS TO SAY YOU CAN SAY "I'M ON THIS CASE," BUT THAT'S ALL  
10:39AM 25 YOU CAN SAY.



10:40AM 1 PROSPECTIVE JUROR: (NODS HEAD UP AND DOWN.)

10:40AM 2 THE COURT: AND THAT SEEMS TO WORK. THAT SEEMS TO

10:40AM 3 WORK.

10:40AM 4 PROSPECTIVE JUROR: OKAY.

10:40AM 5 THE COURT: AND IF YOU'RE SEATED AS A JUROR HERE --

10:40AM 6 I THINK MOST FAMILIES WORK THAT OUT I'M TOLD. MY EXPERIENCE IS

10:40AM 7 THAT SPOUSES ARE ABLE TO RESPECT THAT TERRITORY.

10:40AM 8 PROSPECTIVE JUROR: THAT MAKES SENSE.

10:40AM 9 THE COURT: OR THEY BUY TWO TELEVISIONS. THAT'S THE

10:40AM 10 OTHER SOLUTION THAT I'VE HEARD OF, SO --

10:40AM 11 PROSPECTIVE JUROR: OKAY.

10:40AM 12 THE COURT: SO A LOT OF THINGS ARE POSSIBLE.

10:40AM 13 PROSPECTIVE JUROR: ALL RIGHT.

10:40AM 14 THE COURT: THANK YOU.

10:40AM 15 NOW, LET ME ASK YOU ABOUT PRIOR JURY SERVICE. HAS ANYONE

10:40AM 16 HERE SERVED ON PRIOR JURY SERVICE?

10:40AM 17 OKAY. I SEE THAT. CAN WE PASS THE MICROPHONE DOWN?

10:40AM 18 THANK YOU.

10:40AM 19 PROSPECTIVE JUROR: JUROR 216.

10:40AM 20 THE COURT: YES.

10:40AM 21 PROSPECTIVE JUROR: I'VE SERVED ON TWO PRIOR JURIES

10:40AM 22 AT SANTA CLARA SUPERIOR COURT, AND THEY -- ONE REACHED A

10:41AM 23 VERDICT, ONE DID NOT.

10:41AM 24 THE COURT: OKAY.

10:41AM 25 PROSPECTIVE JUROR: THEY WERE BOTH CRIMINAL CASES.

10:41AM 1 THE COURT: ALL RIGHT. THANK YOU.

10:41AM 2 CAN YOU TELL US THE NATURE OF THE CHARGES IF YOU REMEMBER

10:41AM 3 THEM?

10:41AM 4 PROSPECTIVE JUROR: ASSAULT IN BOTH CASES.

10:41AM 5 THE COURT: OKAY. WERE YOU THE FOREPERSON OF THOSE

10:41AM 6 JURORS?

10:41AM 7 PROSPECTIVE JUROR: NEITHER. NO FOR EITHER OF THE

10:41AM 8 TRIALS.

10:41AM 9 THE COURT: OKAY. THANK YOU.

10:41AM 10 THERE WAS ANOTHER HAND, I THINK.

10:41AM 11 YES?

10:41AM 12 PROSPECTIVE JUROR: JUROR 237.

10:41AM 13 THE COURT: YES.

10:41AM 14 PROSPECTIVE JUROR: COUNTY OF SANTA CRUZ SUPERIOR

10:41AM 15 COURT.

10:41AM 16 THE COURT: AND HOW LONG AGO WAS THAT, SIR?

10:41AM 17 PROSPECTIVE JUROR: MAYBE ABOUT FIVE YEARS AGO.

10:41AM 18 THE COURT: OKAY. WAS IT A CIVIL CASE? A CRIMINAL

10:41AM 19 CASE?

10:41AM 20 PROSPECTIVE JUROR: CRIMINAL.

10:41AM 21 THE COURT: OKAY. AND WAS THE JURY ABLE TO REACH A

10:41AM 22 VERDICT?

10:41AM 23 PROSPECTIVE JUROR: YES.

10:41AM 24 THE COURT: AND WERE YOU THE FOREPERSON OF THE JURY?

10:41AM 25 PROSPECTIVE JUROR: NO, I WAS NOT.

10:41AM 1 THE COURT: AND CAN YOU TELL US THE NATURE OF THOSE  
10:41AM 2 CHARGES?  
10:41AM 3 PROSPECTIVE JUROR: LIKE WHAT IT WAS?  
10:41AM 4 THE COURT: YES.  
10:41AM 5 PROSPECTIVE JUROR: MANSLAUGHTER.  
10:41AM 6 THE COURT: MANSLAUGHTER. OKAY. THANK YOU.  
10:41AM 7 ANY OTHER PRIOR JURY SERVICE?  
10:42AM 8 I SEE NO HANDS.  
10:42AM 9 HAVE YOU OR ANYONE CLOSE TO YOU EVER BEEN ACCUSED OF THESE  
10:42AM 10 CHARGES, SIMILAR CHARGES, WIRE FRAUD OR ALLEGATIONS REGARDING  
10:42AM 11 FRAUDULENT CONDUCT?  
10:42AM 12 ANYONE KNOW ANYONE WHO HAS BEEN ACCUSED OF THESE TYPES OF  
10:42AM 13 CHARGES?  
10:42AM 14 I SEE NO HANDS.  
10:42AM 15 HAVE YOU OR ANYONE CLOSE TO YOU EVER BEEN EMPLOYED BY A  
10:42AM 16 LAW ENFORCEMENT AGENCY, INCLUDING A DISTRICT ATTORNEY'S OFFICE,  
10:42AM 17 A UNITED STATES ATTORNEY'S OFFICE, FBI, I.R.S., OR ANY OF THE  
10:42AM 18 CRIMINAL JUSTICE SYSTEM AS A DEFENSE LAWYER, PROBATION OFFICER,  
10:42AM 19 OR LAWYER OR CRIMINAL INVESTIGATOR?  
10:42AM 20 ANYONE HAVE THAT TYPE OF BACKGROUND?  
10:42AM 21 LET'S PASS THE MICROPHONE OVER. YES.  
10:42AM 22 PROSPECTIVE JUROR: I WORK NONSWORN CURRENTLY FOR  
10:42AM 23 THE LOCAL POLICE.  
10:42AM 24 THE COURT: OKAY. AND YOU'RE JUROR NUMBER?  
10:43AM 25 PROSPECTIVE JUROR: 225.

10:43AM 1 THE COURT: AND HOW LONG HAVE YOU BEEN EMPLOYED IN  
10:43AM 2 THAT CAPACITY?

10:43AM 3 PROSPECTIVE JUROR: SINCE 2015.

10:43AM 4 THE COURT: AND CAN YOU TELL ME BRIEF THE NATURE OF  
10:43AM 5 YOUR DUTIES?

10:43AM 6 PROSPECTIVE JUROR: YEAH. I WORK IN RECORDS, AND  
10:43AM 7 THEN WE KIND OF HAVE A DUAL DISPATCH ROLE WHERE WE'LL ASSIST  
10:43AM 8 OFFICERS WITH DIFFERENT REQUESTS VIA RADIO.

10:43AM 9 THE COURT: I'M SORRY, WHAT AGENCY DO YOU WORK FOR?

10:43AM 10 PROSPECTIVE JUROR: SANTA CLARA PD.

10:43AM 11 THE COURT: SANTA CLARA PD?

10:43AM 12 PROSPECTIVE JUROR: CORRECT.

10:43AM 13 THE COURT: OKAY. DO YOU WORK IN THEIR -- ARE THEIR  
10:43AM 14 HEADQUARTERS ON EL CAMINO, IS IT?

10:43AM 15 PROSPECTIVE JUROR: YES, 601 E.C.R.

10:43AM 16 THE COURT: RIGHT. THAT BUILDING -- WE USED TO HAVE  
10:43AM 17 A COURTHOUSE THERE. IS THAT COURT STILL FUNCTIONING?

10:43AM 18 PROSPECTIVE JUROR: THE TRAFFIC COURT IS DOWN THE  
10:43AM 19 STREET A COUPLE BLOCKS AWAY.

10:43AM 20 THE COURT: RIGHT. ON HOMESTEAD.

10:43AM 21 PROSPECTIVE JUROR: YEAH.

10:43AM 22 THE COURT: LET ME ASK YOU, IS THERE ANYTHING ABOUT  
10:43AM 23 THE NATURE OF YOUR EMPLOYMENT, THE WORK THAT YOU DO, YOUR  
10:43AM 24 EXPOSURE TO LAW ENFORCEMENT THAT YOU THINK WOULD AFFECT YOUR  
10:44AM 25 ABILITY TO BE FAIR AND IMPARTIAL TO BOTH SIDES HERE?

10:44AM 1 PROSPECTIVE JUROR: NO.

10:44AM 2 THE COURT: OKAY.

10:44AM 3 PROSPECTIVE JUROR: I HAVE SEEN THEM GET IT RIGHT

10:44AM 4 AND I HAVE SEEN THEM GET IT WRONG.

10:44AM 5 THE COURT: OKAY. IF THE EVIDENCE -- IF YOU WERE

10:44AM 6 SEATED AS A JUROR IN THIS CASE AND THE EVIDENCE IN YOUR MIND

10:44AM 7 SUGGESTED, AND ACTUALLY YOUR OPINION WAS THAT YOU SHOULD VOTE

10:44AM 8 NOT GUILTY, WOULD YOU BE ABLE TO DO THAT AND STILL GO BACK TO

10:44AM 9 WORK AND FACE YOUR COLLEAGUES?

10:44AM 10 PROSPECTIVE JUROR: OH, YEAH, FOR SURE.

10:44AM 11 THE COURT: NO, NO DOUBT ABOUT THAT?

10:44AM 12 PROSPECTIVE JUROR: NONE.

10:44AM 13 THE COURT: OKAY. ALL RIGHT. THANK YOU. THANK YOU

10:44AM 14 FOR THAT.

10:44AM 15 ANY OTHER HANDS?

10:44AM 16 THERE'S A HAND OVER HERE, 191. IF WE COULD PASS THE

10:44AM 17 MICROPHONE OVER.

10:44AM 18 YES?

10:44AM 19 PROSPECTIVE JUROR: I MYSELF, I'M EMPLOYED AS A

10:44AM 20 DEPUTY PROBATION OFFICER.

10:44AM 21 THE COURT: AND IS THAT JUVENILE OR ADULT?

10:44AM 22 PROSPECTIVE JUROR: ADULT.

10:44AM 23 THE COURT: AND HOW LONG HAVE YOU BEEN EMPLOYED?

10:44AM 24 PROSPECTIVE JUROR: NINE AND A HALF YEARS.

10:45AM 25 THE COURT: IN THAT CAPACITY? NINE AND A HALF

10:45AM 1 YEARS.

10:45AM 2 HAVE YOU TESTIFIED IN A JURY TRIAL BEFORE?

10:45AM 3 PROSPECTIVE JUROR: I HAVE.

10:45AM 4 THE COURT: OKAY. SO YOU UNDERSTAND WHAT I'VE BEEN  
10:45AM 5 TALKING ABOUT HERE?

10:45AM 6 PROSPECTIVE JUROR: I DO, YOUR HONOR.

10:45AM 7 THE COURT: OKAY. IS THERE ANYTHING ABOUT YOUR JOB  
10:45AM 8 THAT YOU THINK WOULD IMPAIR YOUR ABILITY TO BE FAIR TO BOTH  
10:45AM 9 SIDES?

10:45AM 10 PROSPECTIVE JUROR: I DON'T BELIEVE SO. I'M USUALLY  
10:45AM 11 ON THE PEOPLE'S SIDE FOR THE MOST PART.

10:45AM 12 THE COURT: THE GOVERNMENT SIDE.

10:45AM 13 TELL ME THE SUPERVISEES THAT YOU SUPERVISE. YOU HAVE A  
10:45AM 14 CASELOAD?

10:45AM 15 PROSPECTIVE JUROR: I DO.

10:45AM 16 THE COURT: AND THEY'RE ADULTS?

10:45AM 17 PROSPECTIVE JUROR: CORRECT.

10:45AM 18 THE COURT: ARE THEY PROP 47?

10:45AM 19 PROSPECTIVE JUROR: PRCS, POST-RELEASE COMMUNITY  
10:45AM 20 SUPERVISION, PAROLE.

10:45AM 21 THE COURT: OKAY. AND DO THOSE INCLUDE PROP 47  
10:45AM 22 RELEASEES?

10:45AM 23 PROSPECTIVE JUROR: YES.

10:45AM 24 THE COURT: AND THOSE ARE INDIVIDUALS WHO HAVE BEEN  
10:45AM 25 RELEASED FOR -- EARLY, OR THEIR OFFENSES HAVE BEEN CONSIDERED

10:45AM 1 NONVIOLENT OR DRUG RELATED OR SOMETHING ELSE SUCH THAT THEY  
10:46AM 2 COULD BE RELEASED EARLY FROM THEIR SENTENCE? IS THAT WHAT THAT  
10:46AM 3 IS?

10:46AM 4 PROSPECTIVE JUROR: IN SOME CASES, YES.

10:46AM 5 THE COURT: RIGHT.

10:46AM 6 PROSPECTIVE JUROR: UH-HUH.

10:46AM 7 THE COURT: AND YOU HAVE A CASELOAD OF INDIVIDUALS  
10:46AM 8 TO SUPERVISE?

10:46AM 9 PROSPECTIVE JUROR: CORRECT.

10:46AM 10 THE COURT: AND YOU HAVE OTHER OFFICERS AS WELL.  
10:46AM 11 HOW MANY OFFICERS ARE IN -- WHAT COUNTY IS IT?

10:46AM 12 PROSPECTIVE JUROR: SANTA CRUZ COUNTY.

10:46AM 13 THE COURT: HOW MANY OFFICERS DO YOU HAVE?

10:46AM 14 PROSPECTIVE JUROR: WE HAVE ABOUT 50 OFFICERS.  
10:46AM 15 HOWEVER, FOR PRCS, WE ONLY HAVE THREE. WE HAVE ONE IN SOUTH  
10:46AM 16 COUNTY, WHICH IS MYSELF; NORTH COUNTY, WHICH IS SANTA CRUZ; AND  
10:46AM 17 MID COUNTY.

10:46AM 18 THE COURT: RIGHT. OKAY.

10:46AM 19 PROSPECTIVE JUROR: AND THEN JUST TO ELABORATE A  
10:46AM 20 LITTLE BIT MORE, MY GIRLFRIEND IS A DEPUTY SHERIFF.

10:46AM 21 THE COURT: SHE'S A DEPUTY SHERIFF. WITH  
10:46AM 22 SANTA CRUZ?

10:46AM 23 PROSPECTIVE JUROR: CORRECT.

10:46AM 24 THE COURT: AND HOW LONG HAS SHE BEEN EMPLOYED  
10:46AM 25 THERE?

10:46AM 1 PROSPECTIVE JUROR: SHE DID MAYBE EIGHT YEARS IN  
10:46AM 2 CORRECTIONS, AND ABOUT SEVEN OR EIGHT IN PATROL.

10:46AM 3 THE COURT: I SEE. DOES SHE HAVE A PATROL  
10:46AM 4 ASSIGNMENT NOW?

10:46AM 5 PROSPECTIVE JUROR: SHE'S A SERGEANT.

10:46AM 6 THE COURT: OKAY. SO SHE DOESN'T PATROL?

10:47AM 7 PROSPECTIVE JUROR: SHE DOES.

10:47AM 8 THE COURT: IS SHE A T.O.?

10:47AM 9 PROSPECTIVE JUROR: AT THE MOMENT SHE -- SHE WAS A  
10:47AM 10 PATROL SHIFT SUPERVISOR. NOW SHE IS ASSIGNED TO A DISTRICT OR  
10:47AM 11 REGION OF THE COUNTY, COMMUNITY LIAISON.

10:47AM 12 THE COURT: I SEE. ALL RIGHT. THANK YOU.

10:47AM 13 IS THERE ANYTHING ABOUT THE NATURE OF YOUR EMPLOYMENT THAT  
10:47AM 14 YOU THINK WOULD AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL TO  
10:47AM 15 BOTH SIDES?

10:47AM 16 PROSPECTIVE JUROR: NO.

10:47AM 17 THE COURT: YOU CAN BE FAIR TO MR. BALWANI?

10:47AM 18 PROSPECTIVE JUROR: YES.

10:47AM 19 THE COURT: ANY DOUBT ABOUT THAT?

10:47AM 20 PROSPECTIVE JUROR: YES.

10:47AM 21 THE COURT: AND CAN YOU BE FAIR TO THE GOVERNMENT?

10:47AM 22 PROSPECTIVE JUROR: I CAN.

10:47AM 23 THE COURT: AND ANY DOUBT ABOUT THAT?

10:47AM 24 PROSPECTIVE JUROR: NO.

10:47AM 25 THE COURT: THANK YOU.



10:47AM 1 LET ME ASK THIS QUESTION: WOULD ANY OF YOU GIVE GREATER  
10:47AM 2 OR LESSER CREDENCE TO A WITNESS WHO WAS A LAW ENFORCEMENT  
10:47AM 3 WITNESS, AGENT, OR GOVERNMENT REPRESENTATIVE SIMPLY BECAUSE  
10:47AM 4 THAT WITNESS IS EMPLOYED AS A LAW ENFORCEMENT OFFICER OR AGENT  
10:48AM 5 OR REPRESENTATIVE?

10:48AM 6 THAT QUESTION IS DESIGNED TO ASK, JUST BECAUSE OF THE  
10:48AM 7 NATURE OF THAT PERSON'S EMPLOYMENT, WOULD YOU GIVE THAT  
10:48AM 8 TESTIMONY MORE WEIGHT OR LESSER WEIGHT OR THE SAME WEIGHT?

10:48AM 9 JUROR 191, WHY DON'T YOU ANSWER THAT QUESTION?

10:48AM 10 PROSPECTIVE JUROR: I'LL LISTEN TO THE EVIDENCE OR  
10:48AM 11 INFORMATION THAT IS PRESENTED.

10:48AM 12 THE COURT: DID YOU HEAR MY QUESTION?

10:48AM 13 PROSPECTIVE JUROR: YES. I WOULD GIVE MORE WEIGHT  
10:48AM 14 TO EITHER OR?

10:48AM 15 THE COURT: YES.

10:48AM 16 PROSPECTIVE JUROR: I WOULD NOT.

10:48AM 17 THE COURT: YOU WOULD NOT. OKAY. GREAT.

10:48AM 18 ANYONE WHO WOULD GIVE GREATER OR LESSER WEIGHT TO A LAW  
10:48AM 19 ENFORCEMENT, GOVERNMENT AGENT, OR EMPLOYEE JUST BECAUSE OF THE  
10:48AM 20 NATURE OF THAT EMPLOYMENT?

10:48AM 21 I SEE NO HANDS.

10:48AM 22 DO ANY OF YOU HAVE ANY OPINIONS ABOUT THE UNITED STATES  
10:48AM 23 GOVERNMENT OR THE STATE OF CALIFORNIA OR ANY FEDERAL OR STATE  
10:48AM 24 ENFORCEMENT AGENCY THAT MAY AFFECT YOUR ABILITY TO BE FAIR AND  
10:48AM 25 IMPARTIAL TO BOTH SIDES? ANYONE HAVE ANY OPINION ABOUT ANY OF

10:49AM 1 THOSE AGENCIES?

10:49AM 2 I SEE NO HANDS.

10:49AM 3 IS ANYONE OF THE OPINION THAT THE CRIMINAL JUSTICE SYSTEM  
10:49AM 4 IS Fundamentally UNFAIR IN SOME WAYS SUCH THAT YOUR ABILITY TO  
10:49AM 5 BE FAIR AND IMPARTIAL TO BOTH SIDES MIGHT BE IMPAIRED?

10:49AM 6 THAT IS, DOES ANYBODY BELIEVE THAT THE CRIMINAL JUSTICE  
10:49AM 7 SYSTEM IS PERHAPS IMPAIRED IN SOME WAY, OR YOU PART COMPANY  
10:49AM 8 WITH THE CRIMINAL JUSTICE SYSTEM IN SOME WAY THAT MIGHT AFFECT  
10:49AM 9 YOUR JURY SERVICE?

10:49AM 10 I SEE A HAND. IF WE CAN PASS THE MICROPHONE, JUROR 191.  
10:49AM 11 THANK YOU.

10:49AM 12 AND THIS IS 196, I BELIEVE?

10:49AM 13 PROSPECTIVE JUROR: 210.

10:49AM 14 THE COURT: 210.

10:49AM 15 PROSPECTIVE JUROR: I THINK THE CRIMINAL JUSTICE  
10:49AM 16 SYSTEM IN SOME CASES, I THINK IT'S PARTIAL IN TERMS OF THE  
10:49AM 17 PROTESTS THAT YOU HAVE SEEN LAST YEAR.

10:49AM 18 THE COURT: YOU THINK IT'S PARTIAL? I'M SORRY?

10:50AM 19 PROSPECTIVE JUROR: IN SOME WAYS IT'S PARTIAL, IN MY  
10:50AM 20 OPINION.

10:50AM 21 THE COURT: I SEE. OKAY.

10:50AM 22 PROSPECTIVE JUROR: I THINK THAT NEEDS TO BE  
10:50AM 23 IMPROVED. BUT THAT'S ALL.

10:50AM 24 THE COURT: OKAY. THANK YOU.

10:50AM 25 ANYONE ELSE?

10:50AM 1 I SEE NO HANDS.

10:50AM 2 IF YOU ARE SELECTED TO SIT ON THIS CASE, WILL YOU BE ABLE  
10:50AM 3 TO RENDER A VERDICT SOLELY ON THE EVIDENCE PRESENTED AT THE  
10:50AM 4 TRIAL AND IN THE CONTEXT OF THE INSTRUCTIONS THAT I GIVE TO  
10:50AM 5 YOU, DISREGARDING ANY OTHER IDEAS, NOTIONS, BELIEFS ABOUT THE  
10:50AM 6 LAW THAT YOU MAY HAVE ENCOUNTERED IN REACHING YOUR VERDICT?

10:50AM 7 THIS IS REALLY SAYING, WELL, IS THERE ANYONE WHO FEELS  
10:50AM 8 THAT THEY CANNOT FOLLOW THE LAW THAT I GIVE TO YOU IN MY  
10:50AM 9 INSTRUCTIONS?

10:50AM 10 ANYONE FEELS THAT THEY WOULD NOT BE ABLE TO DO THAT?

10:51AM 11 I ASK THESE QUESTIONS BECAUSE -- ONE OF THE REASONS I ASK  
10:51AM 12 THIS IS THERE ARE SOME INDIVIDUALS WHO, EITHER BECAUSE OF  
10:51AM 13 PERSONAL, RELIGIOUS, OR MORAL BELIEFS FEEL THAT THEY CANNOT  
10:51AM 14 SERVE AS A JUROR BECAUSE THEIR TEACHINGS, BELIEFS SUGGEST THAT  
10:51AM 15 THEY ARE PASSING JUDGMENT ON A PERSON THEMSELVES IN SOME WAY.  
10:51AM 16 THAT'S WHY I ASK THIS QUESTION.

10:51AM 17 ANYONE HERE HAVE BELIEFS THAT MIGHT CAUSE THEM TO FEEL  
10:51AM 18 THAT WAY?

10:51AM 19 I SEE NO HANDS.

10:51AM 20 A DEFENDANT IN A CRIMINAL CASE IS PRESUMED TO BE INNOCENT,  
10:51AM 21 AND THIS REQUIRES THE GOVERNMENT TO PROVE EACH ELEMENT BEYOND A  
10:51AM 22 REASONABLE DOUBT.

10:51AM 23 PROOF BEYOND A REASONABLE DOUBT IS PROOF THAT LEAVES YOU  
10:51AM 24 FIRMLY CONVINCED THAT THE DEFENDANT IS GUILTY.

10:51AM 25 IT IS NOT REQUIRED THAT THE GOVERNMENT PROVE GUILT BEYOND

10:51AM 1 ALL POSSIBLE DOUBT. A REASONABLE DOUBT IS A DOUBT BASED UPON  
10:51AM 2 REASON AND COMMON SENSE AND IS NOT BASED PURELY ON SPECULATION.  
10:52AM 3 IT MAY ARISE FROM A CAREFUL AND IMPARTIAL CONSIDERATION OF  
10:52AM 4 ALL OF THE EVIDENCE, OR FROM LACK OF EVIDENCE.  
10:52AM 5 IF AFTER A CAREFUL AND IMPARTIAL CONSIDERATION OF ALL OF  
10:52AM 6 THE EVIDENCE YOU ARE NOT CONVINCED BEYOND A REASONABLE DOUBT  
10:52AM 7 THAT THE DEFENDANT IS GUILTY, IT IS YOUR DUTY TO FIND THE  
10:52AM 8 DEFENDANT NOT GUILTY.  
10:52AM 9 ON THE OTHER HAND, IF AFTER A CAREFUL AND IMPARTIAL  
10:52AM 10 CONSIDERATION OF ALL OF THE EVIDENCE YOU ARE CONVINCED BEYOND A  
10:52AM 11 REASONABLE DOUBT THAT THE DEFENDANT IS GUILTY, IT IS YOUR DUTY  
10:52AM 12 TO FIND THE DEFENDANT GUILTY.  
10:52AM 13 NOW, CAN YOU ALL APPLY THE LAW AS GIVEN BY THE COURT,  
10:52AM 14 INCLUDING THE PRESUMPTION OF INNOCENCE AND THE GOVERNMENT'S  
10:52AM 15 BURDEN BEYOND A REASONABLE DOUBT?  
10:52AM 16 IS THERE ANYBODY WHO CANNOT DO THIS?  
10:52AM 17 I SEE NO HANDS.  
10:52AM 18 IS THERE ANYONE WHO BELIEVES THAT BECAUSE MR. BALWANI IS  
10:52AM 19 PRESENT HERE IN COURT ACCUSED OF THESE CHARGES THAT HE MUST BE  
10:52AM 20 GUILTY?  
10:53AM 21 ANYONE WHO FEELS THAT?  
10:53AM 22 I SEE NO HANDS.  
10:53AM 23 IS THERE ANYONE HERE WHO CANNOT PRESUME THAT MR. BALWANI  
10:53AM 24 IS INNOCENT OF THE CHARGES RIGHT NOW? ANYONE WHO CANNOT DO  
10:53AM 25 THAT?

1 I SEE NO HANDS.

2 NOW, YOU'VE SEEN A VIDEO THAT DISCUSSED THE TOPIC OF  
3 UNCONSCIOUS BIAS, AND WE SHOW THAT VIDEO AS AN AID TO  
4 PROSPECTIVE JURORS AS THEY CONSIDER JURY SERVICE AND THE TASK  
5 AHEAD OF THEM.

6 IT IS MEANT AS AN EDUCATIONAL TOOL TO INFORM REGARDING  
7 RESEARCH AND STUDIES ON THE ISSUE OF BIAS AND UNCONSCIOUS BIAS.

8 I HOPE YOU FOUND THE VIDEO INFORMATIVE AND HELPFUL.

9 IN OUR NATION AND STATE, WE HAVE CITIZENS, RESIDENTS, AND  
10 NONCITIZENS FROM MANY DIFFERENT RACES, ETHNIC, AND CULTURAL  
11 BACKGROUNDS. IN THE JURISDICTION OF THIS COURT, WE ENJOY A  
12 RICH DIVERSITY OF INDIVIDUALS AND CULTURES.

13 UNDER THE LAW, ALL PEOPLE WHO APPEAR IN COURT, REGARDLESS  
14 OF RACE, RELIGION, ETHNIC HERITAGE, GENDER, AGE, OR SEXUAL  
15 ORIENTATION, ARE ENTITLED TO DUE PROCESS OF LAW AND WE  
16 GUARANTEE EACH PERSON THE RIGHT TO A FAIR AND IMPARTIAL TRIAL.

17 WE ARE TO JUDGE EACH INDIVIDUAL AS WE WOULD WANT TO BE  
18 JUDGED, FAIRLY AND IMPARTIALLY.

19 NOW, IT MAY APPEAR THAT ONE OR MORE OF THE PARTIES,  
20 ATTORNEYS, OR WITNESSES, COME FROM A NATIONAL, RACIAL, OR  
21 RELIGIOUS GROUP OR MAY HAVE A LIFESTYLE THAT IS DIFFERENT FROM  
22 YOUR OWN.

23 WOULD THIS IN ANY WAY AFFECT YOUR JUDGMENT OR THE WEIGHT  
24 AND CREDIBILITY YOU WOULD GIVE TO THE EVIDENCE IN THIS CASE?

25 ANYONE WHO FEELS THAT THAT WOULD HAVE AN EFFECT ON THE

10:54AM 1 WEIGHT OF CREDIBILITY THAT THEY WOULD GIVE TO TESTIMONY IN THIS  
10:54AM 2 CASE OR EVIDENCE?

10:54AM 3 I SEE NO HANDS.

10:54AM 4 TO REACH A VERDICT THE JURY MUST BE UNANIMOUS. DO ALL OF  
10:55AM 5 YOU ACCEPT THE REQUIREMENT THAT THE JURY'S VERDICT BE  
10:55AM 6 UNANIMOUS? ANYONE WHO DOES NOT? ANYONE WHO PARTS COMPANY WITH  
10:55AM 7 THAT CONCEPT?

10:55AM 8 I SEE NO HANDS.

10:55AM 9 AS A JUROR, YOU ARE NOT TO CONSIDER OR SPECULATE ON THE  
10:55AM 10 QUESTION OF PUNISHMENT. THAT QUESTION IS SOLELY IN THE  
10:55AM 11 PROVINCE OF THE COURT.

10:55AM 12 IS THERE ANYONE WHO PARTS COMPANY WITH THAT CONCEPT?

10:55AM 13 I SEE NO HANDS.

10:55AM 14 IN OUR COURTS, AN ACCUSED HAS THE RIGHT TO REMAIN SILENT  
10:55AM 15 AND NOT TESTIFY. A DEFENDANT MAY CHOOSE TO RELY ON THE STATE  
10:55AM 16 OF THE EVIDENCE AT THE CONCLUSION OF THE GOVERNMENT'S CASE AND  
10:55AM 17 PRESENT NO AFFIRMATIVE EVIDENCE.

10:55AM 18 NOW, DO ALL OF YOU ACCEPT THE DEFENDANT'S RIGHT UNDER THE  
10:55AM 19 CONSTITUTION TO REMAIN SILENT AND THUS CHOOSE NOT TO TESTIFY IN  
10:55AM 20 THE CASE? IS THERE ANYONE WHO PARTS COMPANY WITH THAT CONCEPT?

10:55AM 21 I SEE NO HANDS.

10:55AM 22 IF MR. BALWANI RELIES ON HIS RIGHT NOT TO TESTIFY, WILL  
10:56AM 23 ANYONE HOLD THAT AGAINST HIM?

10:56AM 24 I SEE NO HANDS.

10:56AM 25 WOULD ANYONE FEEL THAT HE'S HIDING SOMETHING IF HE DOES

10:56AM 1 NOT TESTIFY?

10:56AM 2 I SEE NO HANDS.

10:56AM 3 ARE ANY OF YOU OR ANY MEMBER OF YOUR FAMILY, OR ANY OF  
10:56AM 4 YOUR CLOSE FRIENDS, ATTORNEYS, LAW STUDENTS, OR PARALEGALS?

10:56AM 5 ALL RIGHT. LET'S FIND THE MICROPHONE AND WE'LL PASS IT  
10:56AM 6 OVER. THANK YOU.

10:56AM 7 PROSPECTIVE JUROR: MY GRANDFATHER IS A DEFENSE  
10:56AM 8 ATTORNEY.

10:56AM 9 THE COURT: AND THIS IS JUROR?

10:56AM 10 PROSPECTIVE JUROR: 195.

10:56AM 11 THE COURT: THANK YOU. A DEFENSE ATTORNEY. DO YOU  
10:56AM 12 KNOW WHAT TYPE OF WORK YOUR GRANDFATHER DOES, OR DID?

10:56AM 13 PROSPECTIVE JUROR: I DON'T, BUT IT'S IN LOUISIANA.

10:56AM 14 THE COURT: OH, OKAY.

10:56AM 15 AND WHEN YOU SAY "DEFENSE ATTORNEY," IS IT CRIMINAL  
10:56AM 16 DEFENSE OR CIVIL DEFENSE?

10:56AM 17 PROSPECTIVE JUROR: I THINK IT'S BOTH.

10:56AM 18 THE COURT: OKAY. AND DO YOU TALK TO YOUR  
10:57AM 19 GRANDFATHER ABOUT HIS WORK?

10:57AM 20 PROSPECTIVE JUROR: NOT REALLY. I JUST KNOW THAT HE  
10:57AM 21 IS STILL WORKING.

10:57AM 22 THE COURT: OKAY. OKAY. WELL, GOOD FOR HIM.  
10:57AM 23 THAT'S GREAT.

10:57AM 24 AND HAS HE TALKED TO YOU ABOUT CASES OCCASIONALLY, OR NOT  
10:57AM 25 REALLY?

10:57AM 1 PROSPECTIVE JUROR: NO SPECIFICS.

10:57AM 2 THE COURT: THANK YOU.

10:57AM 3 I THINK THERE WAS ANOTHER HAND. YES?

10:57AM 4 PROSPECTIVE JUROR: I'M AN ATTORNEY, YOUR HONOR.

10:57AM 5 THE COURT: AND THAT IS JUROR NUMBER?

10:57AM 6 PROSPECTIVE JUROR: 184.

10:57AM 7 THE COURT: 184. AND YOU PRACTICE -- WHAT AREA OF

10:57AM 8 LAW DO YOU PRACTICE?

10:57AM 9 PROSPECTIVE JUROR: I'M A TAX ATTORNEY.

10:57AM 10 THE COURT: OKAY. AND HAVE YOU EVER, HAVE YOU EVER

10:57AM 11 DONE A CRIMINAL CASE, EITHER ON PROSECUTION OR DEFENSE?

10:57AM 12 PROSPECTIVE JUROR: NO.

10:57AM 13 THE COURT: OKAY. HAVE YOU BEEN INVOLVED IN THE

10:57AM 14 CRIMINAL JUSTICE SYSTEM AS A PROFESSIONAL ADVISING SOMEONE IN A

10:57AM 15 LEGAL PROCEEDING REGARDING, IN YOUR CASE I GUESS IT WOULD BE

10:57AM 16 TAXES OR THOSE TYPES OF THINGS?

10:57AM 17 PROSPECTIVE JUROR: I'VE ADVISED ON POSSIBLE

10:57AM 18 CRIMINAL MATTERS.

10:58AM 19 THE COURT: OKAY. HAVE YOU EVER, HAVE YOU EVER MET

10:58AM 20 WITH ATTORNEYS FROM THE GOVERNMENT REGARDING -- IN THE COURSE

10:58AM 21 AND SCOPE OF YOUR WORK? OF COURSE I'M NOT GOING TO ASK YOU TO

10:58AM 22 IDENTIFY CASES SPECIFICALLY, BUT HAVE YOU EVER HAD TO DO THAT,

10:58AM 23 ENTER INTO NEGOTIATIONS WITH GOVERNMENT ATTORNEYS?

10:58AM 24 PROSPECTIVE JUROR: I HAVE NOT HAD TO DO THAT.

10:58AM 25 THE COURT: OKAY. ALL RIGHT.



10:58AM 1 ANYTHING ABOUT YOUR PRACTICE AND THE FACT THAT YOU'RE AN  
10:58AM 2 ATTORNEY THAT YOU THINK WILL AFFECT YOUR ABILITY TO BE FAIR AND  
10:58AM 3 IMPARTIAL TO BOTH SIDES HERE?

10:58AM 4 PROSPECTIVE JUROR: NO, YOUR HONOR.

10:58AM 5 THE COURT: OKAY. THANK YOU.

10:58AM 6 ANY OTHER RESPONSES TO THIS?

10:58AM 7 YES, OVER HERE, 205.

10:58AM 8 PROSPECTIVE JUROR: I HAVE A CLIENT THAT IS AN  
10:58AM 9 ATTORNEY. SO I HAVE MY OWN BUSINESS DOING BOOKS AND TAXES.

10:58AM 10 THE COURT: OKAY.

10:58AM 11 PROSPECTIVE JUROR: SHE'S A SPECIAL NEEDS ATTORNEY.

10:59AM 12 THE COURT: AND YOU, YOU MANAGE THE FINANCES FOR --  
10:59AM 13 HER FINANCES?

10:59AM 14 PROSPECTIVE JUROR: YES.

10:59AM 15 THE COURT: AND SPECIAL NEEDS ATTORNEY?

10:59AM 16 PROSPECTIVE JUROR: UH-HUH.

10:59AM 17 THE COURT: YOU KNOW, I HAVE TO --

10:59AM 18 PROSPECTIVE JUROR: YOU MIGHT KNOW HER.

10:59AM 19 THE COURT: NO, NO, I'M CURIOUS. THAT AREA OF  
10:59AM 20 PRACTICE, IS THAT IN -- DO YOU KNOW ANYTHING ABOUT HER  
10:59AM 21 PRACTICE?

10:59AM 22 PROSPECTIVE JUROR: YES.

10:59AM 23 THE COURT: OKAY. AND SPECIAL NEEDS, SHE  
10:59AM 24 REPRESENTS --

10:59AM 25 PROSPECTIVE JUROR: YES. SHE DOES, LIKE, LIMITED

10:59AM 1 CONSERVATORSHIPS AND SPECIAL NEEDS TRUSTS, AND RECENTLY GOT  
10:59AM 2 INTO PROBATE.

10:59AM 3 THE COURT: I UNDERSTAND. AND SHE PRACTICES HERE IN  
10:59AM 4 SANTA CLARA COUNTY?

10:59AM 5 PROSPECTIVE JUROR: UH-HUH.

10:59AM 6 THE COURT: AND DO YOU TALK WITH HER ABOUT HER WORK?

10:59AM 7 PROSPECTIVE JUROR: NOT NECESSARILY, NO. I JUST DO  
10:59AM 8 THE BOOKS AND STUFF.

10:59AM 9 THE COURT: OKAY. IS THERE ANYTHING ABOUT THAT  
10:59AM 10 RELATIONSHIP THAT YOU THINK WILL AFFECT YOUR ABILITY TO BE FAIR  
10:59AM 11 AND IMPARTIAL TO BOTH SIDES HERE?

10:59AM 12 PROSPECTIVE JUROR: NO.

10:59AM 13 THE COURT: OKAY. THANK YOU.

10:59AM 14 PROSPECTIVE JUROR: AND MY FATHER-IN-LAW WAS AN  
10:59AM 15 ATTORNEY, BUT HE PASSED THOUGH. I DON'T KNOW IF THAT'S  
10:59AM 16 RELEVANT.

10:59AM 17 THE COURT: DID HE PRACTICE HERE IN THE AREA?

10:59AM 18 PROSPECTIVE JUROR: YES.

10:59AM 19 THE COURT: AND IN WHAT AREA DID HE PRACTICE?

11:00AM 20 PROSPECTIVE JUROR: IN SANTA CLARA.

11:00AM 21 THE COURT: AND DO YOU KNOW WHAT AREA HE PRACTICED?

11:00AM 22 PROSPECTIVE JUROR: CRIMINAL.

11:00AM 23 THE COURT: CRIMINAL. AND WHO WAS THAT?

11:00AM 24 PROSPECTIVE JUROR: EDWARD "RIP" LACROIX.

11:00AM 25 THE COURT: OKAY. THANK YOU VERY MUCH.

11:00AM 1 PROSPECTIVE JUROR: SURE.

11:00AM 2 THE COURT: AND ANY OTHER ANSWERS TO THIS QUESTION?

11:00AM 3 I SEE NO HANDS.

11:00AM 4 LADIES AND GENTLEMEN, FOR TIMING PURPOSES, I'M JUST ABOUT  
11:00AM 5 FINISHED WITH MY QUESTIONS. I PROBABLY HAVE ABOUT TEN MORE  
11:00AM 6 MINUTES OF QUESTIONS. WE'RE THEN GOING TO TAKE A BREAK AND  
11:00AM 7 I'LL TALK TO THE LAWYERS ABOUT OUR NEXT STEPS TO SEE WHETHER OR  
11:00AM 8 NOT THE LAWYERS WILL BE ABLE TO BEGIN THEIR QUESTIONS FOR YOU  
11:00AM 9 AND WHETHER WE CAN GO FORWARD. BUT ABOUT ANOTHER TEN MINUTES  
11:00AM 10 AND WE'LL HAVE A BREAK, SO BEAR WITH ME. THANK YOU.

11:00AM 11 HAVE YOU OR ANYONE CLOSE TO YOU EVER BEEN INVOLVED WITH OR  
11:00AM 12 APPEARED AS A DEFENDANT, VICTIM, OR WITNESS IN ANY  
11:00AM 13 INVESTIGATION BY A GOVERNMENT AGENCY?

11:01AM 14 AND THIS INCLUDES POLICE DEPARTMENTS, SHERIFF'S OFFICES,  
11:01AM 15 FEDERAL AGENCIES.

11:01AM 16 AND OF COURSE WE CAN SPEAK PRIVATELY ON THIS IF YOU WOULD  
11:01AM 17 LIKE.

11:01AM 18 SO ANYONE BEEN INVOLVED AS A DEFENDANT, VICTIM, WITNESS IN  
11:01AM 19 AN INVESTIGATION?

11:01AM 20 I SEE A COUPLE OF HANDS. IF WE COULD PASS THE MICROPHONE.  
11:01AM 21 191, I THINK YOU TOLD US ABOUT YOUR SERVICE TESTIFYING IN  
11:01AM 22 COURT.

11:01AM 23 PROSPECTIVE JUROR: YES, AND I ALSO HAVE FAMILY  
11:01AM 24 MEMBERS, BUT I CAN DISCLOSE THAT IN PRIVATE.

11:01AM 25 THE COURT: OKAY. ALL RIGHT. WE'LL DO THAT.

11:01AM 1 IF YOU CAN PASS THAT DOWN.

11:01AM 2 PROSPECTIVE JUROR: I ALSO WOULD LIKE TO DISCUSS IT  
11:01AM 3 IN PRIVATE, 207.

11:01AM 4 THE COURT: 207, YES.

11:01AM 5 PROSPECTIVE JUROR: I HAVE TESTIFIED AS A WITNESS IN  
11:02AM 6 TWO 597 ANIMAL CRUELTY CASE THROUGH THE SANTA CLARA COUNTY  
11:02AM 7 COURT.

11:02AM 8 THE COURT: AND YOU'RE 22?

11:02AM 9 PROSPECTIVE JUROR: 222.

11:02AM 10 THE COURT: OKAY. DID THOSE CASES GET PROSECUTED BY  
11:02AM 11 JEFF ROSEN, THE D.A.? I MEAN BY THE OFFICE I SHOULD SAY.

11:02AM 12 PROSPECTIVE JUROR: YES. SADLY, A LOT OF THEM DON'T  
11:02AM 13 MAKE IT TO COURT. SO THE ONES THAT DO, YES.

11:02AM 14 THE COURT: OKAY. AND YOU'VE TESTIFIED IN COURT ON  
11:02AM 15 THOSE CASES?

11:02AM 16 PROSPECTIVE JUROR: I HAVE, YES.

11:02AM 17 THE COURT: OKAY. THANK YOU.

11:02AM 18 PROSPECTIVE JUROR: JUROR 225.

11:02AM 19 THE COURT: YES.

11:02AM 20 PROSPECTIVE JUROR: I HAVEN'T TESTIFIED, BUT I'VE  
11:02AM 21 GONE TO COURT AND WITNESSED THE ON GOINGS FOR ONE OF MY CLASSES  
11:02AM 22 WHEN I WAS IN COLLEGE.

11:02AM 23 BUT BECAUSE OF MY JOB, EVENTUALLY THIS YEAR WE'RE GOING TO  
11:02AM 24 BE GOING TO COURT TO GET THE EXPERIENCE OF TESTIFYING WITH  
11:02AM 25 REGARDS TO SEX OFFENDER REGISTRATION AND PEOPLE WHO WANT TO GET

11:02AM 1 OUT OF TIERING AND NO LONGER HAVE TO REGISTER. THAT IS KIND OF  
11:03AM 2 UP AND COMING.

11:03AM 3 THE COURT: ALL RIGHT. THANK YOU.

11:03AM 4 ANYONE ELSE?

11:03AM 5 I SEE NO HANDS.

11:03AM 6 HAVE YOU OR ANYONE CLOSE TO YOU EVER BEEN INVOLVED IN ANY  
11:03AM 7 LITIGATION OR CLAIMS AGAINST THE UNITED STATES GOVERNMENT, THE  
11:03AM 8 STATE OF CALIFORNIA, OR ANY OTHER STATE OR MUNICIPALITY,  
11:03AM 9 GOVERNMENTAL ENTITY?

11:03AM 10 I SEE NO HANDS.

11:03AM 11 HAVING HEARD MY QUESTIONS, DOES ANY OTHER REASON SUGGEST  
11:03AM 12 ITSELF TO YOU AS TO WHY YOU COULD NOT SIT ON THIS JURY AND  
11:03AM 13 RENDER A FAIR VERDICT BASED ON THE EVIDENCE PRESENTED TO YOU  
11:03AM 14 AND IN THE CONTEXT OF THE COURT'S INSTRUCTIONS AS TO THE LAW?

11:03AM 15 ANYONE WHO FEELS THAT THEY CANNOT DO THIS?

11:03AM 16 I SEE NO HANDS.

11:04AM 17 CAN ANY OF YOU THINK OF ANY OTHER REASON WHY YOU MIGHT NOT  
11:04AM 18 BE ABLE TO TRY THIS CASE FAIRLY AND IMPARTIALLY TO BOTH THE  
11:04AM 19 GOVERNMENT AND THE DEFENSE, OR WHY YOU SHOULD BE ON THIS JURY?  
11:04AM 20 THIS IS THE TIME TO LET ME KNOW. ANY OTHER REASON?

11:04AM 21 OKAY. I SEE NO HANDS.

11:04AM 22 WHERE IS THE MICROPHONE?

11:04AM 23 PROSPECTIVE JUROR: JUDGE, 209.

11:04AM 24 THE COURT: YES.

11:04AM 25 PROSPECTIVE JUROR: I HAVE TWO DAUGHTERS, ONE IS 13

11:04AM 1 AND ONE IS 10. EVERY DAY I HAVE TO DROP THEM OFF AT SCHOOL AT  
11:04AM 2 8:00 O'CLOCK IN THE MORNING AND I HAVE TO PICK THEM UP AT,  
11:04AM 3 LIKE, 2:30 IN THE EVENING.

11:04AM 4 THE COURT: OKAY. AND DO YOU HAVE FAMILY AND  
11:05AM 5 FRIENDS THAT CAN ASSIST YOU IN THIS?

11:05AM 6 PROSPECTIVE JUROR: ACTUALLY I HAVE A WIFE.

11:05AM 7 BUT THE THING ABOUT MY WIFE WORK IN GILROY AND I WORK IN  
11:05AM 8 SAN JOSE AND I DROP MY KIDS IN SAN JOSE.

11:05AM 9 AND ANOTHER THING, TOMORROW MY WIFE TRAVEL UNTIL NEXT  
11:05AM 10 WEEK.

11:05AM 11 THE COURT: SHE'S TRAVELLING FOR A WEEK?

11:05AM 12 PROSPECTIVE JUROR: YEAH.

11:05AM 13 THE COURT: SO SHE OTHERWISE WOULD BE ABLE TO HELP  
11:05AM 14 YOU IN THIS? IS THAT RIGHT?

11:05AM 15 PROSPECTIVE JUROR: YES.

11:05AM 16 THE COURT: I SEE. OKAY. THANK YOU.

11:05AM 17 YES?

11:05AM 18 PROSPECTIVE JUROR: SO SIMILAR TO HIM --

11:05AM 19 THE COURT: WHAT IS YOUR NUMBER, SIR?

11:05AM 20 PROSPECTIVE JUROR: 210.

11:05AM 21 THE COURT: 210, YES, SIR.

11:05AM 22 PROSPECTIVE JUROR: SO I HAVE TWO SEVEN AND-A-HALF  
11:05AM 23 YEAR OLD TWINS, AND BOTH ME AND MY WIFE WORK. SO BASICALLY  
11:05AM 24 THAT IS ONE ISSUE.

11:05AM 25 ALSO ON THE WEEK OF APRIL 5TH, I DO HAVE A WORK TRIP TO

11:05AM 1 VEGAS WHERE MY TEAM IS PRESENTING, SO I NEED -- IT WAS  
11:05AM 2 POSTPONED FOR ALMOST TWO YEARS BECAUSE OF COVID.

11:06AM 3 THE COURT: YES.

11:06AM 4 PROSPECTIVE JUROR: AND IT BASICALLY WAS FINALIZED  
11:06AM 5 TO HAPPEN NOW.

11:06AM 6 THE COURT: AND THIS IS A WORK TRIP?

11:06AM 7 PROSPECTIVE JUROR: YES.

11:06AM 8 THE COURT: AND WOULD YOUR WORK BE ABLE TO REPLACE  
11:06AM 9 YOU?

11:06AM 10 PROSPECTIVE JUROR: I MEAN, YES. I MEAN, IT'S  
11:06AM 11 POSSIBLE.

11:06AM 12 THE COURT: YES.

11:06AM 13 AND YOU AND -- YOUR WIFE WORKS, AND YOU HAVE SOME  
11:06AM 14 ARRANGEMENT TO COLLECT YOUR CHILDREN NOW?

11:06AM 15 PROSPECTIVE JUROR: BASICALLY MY WIFE GOES AND PICKS  
11:06AM 16 THEM UP.

11:06AM 17 THE COURT: YES.

11:06AM 18 PROSPECTIVE JUROR: BUT IN THE MORNINGS I DROP THEM  
11:06AM 19 OFF.

11:06AM 20 THE COURT: I SEE. AND WHAT TIME IS THAT?

11:06AM 21 PROSPECTIVE JUROR: SCHOOL STARTS AT 7:45.

11:06AM 22 THE COURT: I SEE. AND THEY'RE DROPPED OFF IN  
11:06AM 23 SAN JOSE?

11:06AM 24 PROSPECTIVE JUROR: NO. MORGAN HILL.

11:06AM 25 THE COURT: MORGAN HILL. I SEE. OKAY. THANK YOU.

11:06AM 1 PROSPECTIVE JUROR: JUROR NUMBER 221.

11:06AM 2 I HAVE A THREE AND A FIVE-YEAR OLD.

11:06AM 3 MY THREE-YEAR OLD IS ONLY IN HALF DAY PRESCHOOL, SO HE  
11:06AM 4 NEEDS TO BE PICKED UP AT 12:30.

11:07AM 5 MY HUSBAND WORKS FULL TIME, AND HE'S GOING BACK TO THE  
11:07AM 6 OFFICE STARTING ON APRIL 4TH FOR A TECH COMPANY.

11:07AM 7 SO, I MEAN, I HAVE IN-LAWS AND PARENTS THAT COULD PROBABLY  
11:07AM 8 DO IT, BUT I AM THE PRIMARY. I STAY AT HOME WITH HIM.

11:07AM 9 THE COURT: SURE.

11:07AM 10 PROSPECTIVE JUROR: AND WE ALSO HAVE A TRIP TO  
11:07AM 11 DISNEYLAND BOOKED AT THE END OF MARCH.

11:07AM 12 THE COURT: AND WHAT ARE THOSE DATES?

11:07AM 13 PROSPECTIVE JUROR: MARCH 29TH TO APRIL 1ST THAT WE  
11:07AM 14 RESCHEDULED A FEW TIMES, AND BECAUSE OF THE PANDEMIC, MY  
11:07AM 15 FLIGHTS EXPIRE IN MAY.

11:07AM 16 SO I'VE LOOKED AT THE CALENDAR AND I COULD POTENTIALLY  
11:07AM 17 RESCHEDULE. ON THE CALENDAR THERE APPEAR TO BE SOME DATES ON  
11:07AM 18 SOME FRIDAYS THAT WE WEREN'T MEETING; IS THAT CORRECT?

11:07AM 19 THE COURT: THAT IS CORRECT, AND THERE WERE SOME  
11:07AM 20 OTHER DATES THAT WILL CHANGE AS WELL. SO THERE ARE -- AND I  
11:07AM 21 THINK LATER IN MAY, PERHAPS IT IS, I CAN'T RECALL RIGHT NOW,  
11:07AM 22 BUT THERE ARE SOME DAYS IN SUCCESSION THAT WE DO HAVE SOME  
11:08AM 23 BREAKS IN THE TRIAL.

11:08AM 24 SO -- THANK YOU FOR LETTING US KNOW THIS.

11:08AM 25 SO IT SOUNDS LIKE YOU MAY BE ABLE TO GET COVERAGE FROM



11:08AM 1 PARENTS AT LEAST TO COLLECT THE CHILD.

11:08AM 2 AS I SAID, I HOPE TO END AT 3:00 P.M., BUT IN THE SPIRIT  
11:08AM 3 OF FULL DISCLOSURE, I EXPECT THERE WILL BE DAYS WHERE WE MIGHT  
11:08AM 4 EVEN GO UNTIL 4:00. SOMETIMES A WITNESS MIGHT TRAVEL A  
11:08AM 5 DISTANCE AND WE WANT TO FINISH THAT WITNESS AND IT MIGHT TAKE  
11:08AM 6 AN EXTRA HOUR, SOMETHING LIKE THAT.

11:08AM 7 PROSPECTIVE JUROR: UH-HUH.

11:08AM 8 THE COURT: BUT MY PLAN IS TO FINISH AT 3:00 O'CLOCK  
11:08AM 9 SO THAT FOLKS CAN GET BACK TO TAKE CARE OF OTHER THINGS.

11:08AM 10 IS YOUR CHILD IN PRESCHOOL EVERY DAY?

11:08AM 11 PROSPECTIVE JUROR: YES.

11:08AM 12 THE COURT: FIVE DAYS A WEEK?

11:08AM 13 PROSPECTIVE JUROR: YES.

11:08AM 14 THE COURT: OKAY. THANK YOU.

11:08AM 15 PROSPECTIVE JUROR: THANK YOU.

11:08AM 16 PROSPECTIVE JUROR: HI. 222 AGAIN.

11:08AM 17 THE COURT: YES.

11:08AM 18 PROSPECTIVE JUROR: I WANT TO REITERATE THAT I HAVE  
11:08AM 19 A KINDERGARTNER AND MY HUSBAND WORKS FULL TIME AND HE WORKS IN  
11:09AM 20 HAYWARD AND HAS TO BE THERE AT 6:00 A.M., SO I'M THE PRIMARY  
11:09AM 21 CARE PERSON IN THE MORNING TO DROP HER OFF AT SCHOOL MONDAY  
11:09AM 22 THROUGH THURSDAY. HE IS OFF ON FRIDAY.

11:09AM 23 AND I ALSO HAVE TO PICK HER UP ON THURSDAY AFTERNOONS  
11:09AM 24 WHERE I WORK FROM HOME FOR A FEW HOURS.

11:09AM 25 AND I AM ESSENTIAL AND IRREPLACEABLE AS THE ONLY

11:09AM 1 VETERINARIAN TO THOUSANDS OF ANIMALS THAT I WOULD HATE TO SEE  
11:09AM 2 DETRIMENTAL AND UNNECESSARY SUFFERING.

11:09AM 3 THE COURT: THANK YOU. ANYONE ELSE?

11:09AM 4 PROSPECTIVE JUROR: 195.

11:09AM 5 THE COURT: YES.

11:09AM 6 PROSPECTIVE JUROR: I'M A MANUFACTURING ENGINEER IN  
11:09AM 7 THE SEMICONDUCTOR INDUSTRY, AND I AM THE SOLE PERSON  
11:09AM 8 RESPONSIBLE FOR A PROJECT THAT IS DIRECTLY RELATED TO PROBABLY  
11:09AM 9 85 PERCENT OF OUR MANUFACTURING.

11:09AM 10 AND I DEAL WITH MAINTAINING AND UPDATING THE SOFTWARE AND  
11:10AM 11 THE HARDWARE, AND THERE REALLY ISN'T ANYBODY ELSE WHO HAS ANY  
11:10AM 12 OF THE KNOWLEDGE ON HOW TO UPDATE OR TO FIX IT. THOSE ARE  
11:10AM 13 THINGS THAT WE DO DAILY.

11:10AM 14 AND ANOTHER THING THAT I'VE LEARNED RECENTLY IS THE  
11:10AM 15 MANAGER WHO IS THE ONLY ONE WHO HAS ANY KNOWLEDGE AT ALL OF ANY  
11:10AM 16 IT IS GOING TO BE IN MALAYSIA FOR TWO TO FOUR WEEKS LEAVING  
11:10AM 17 THIS WEEK.

11:10AM 18 THE COURT: OKAY. YOU SAW OUR SCHEDULE, THAT WE'RE  
11:10AM 19 NOT GOING TO BE IN COURT FIVE DAYS A WEEK, ONLY THREE DAYS A  
11:10AM 20 WEEK. BUT I APPRECIATE THAT.

11:10AM 21 PROSPECTIVE JUROR: YES. AND ONE MORE THING. THERE  
11:10AM 22 ARE STILL SOME FINANCIAL IMPLICATIONS THAT I AM STILL WORKING  
11:10AM 23 OUT WITH MY JOB THAT I WOULD PREFER TO DISCUSS IN PRIVATE.

11:10AM 24 THE COURT: SURE. ALL RIGHT. THANK YOU.

11:11AM 25 PROSPECTIVE JUROR: 185.

11:11AM 1 THE COURT: YES.

11:11AM 2 PROSPECTIVE JUROR: I'M A PHYSICAL THERAPIST  
11:11AM 3 SPECIALIZING IN PUBLIC HEALTH PHYSICAL THERAPY AND I'M ONE OF  
11:11AM 4 ONLY A FEW PRACTITIONERS IN THE AREA ABLE TO TREAT THAT  
11:11AM 5 POPULATION. I TREAT ABOUT 50 PATIENTS A WEEK.

11:11AM 6 WE HAVE A COUPLE OF OTHER THERAPISTS, BUT THEIR SCHEDULES  
11:11AM 7 ARE ALSO FULL AND WOULD NOT BE ABLE TO TAKE ON MY CASELOAD.

11:11AM 8 AND WE DO HAVE A WAITLIST AS IT IS TO GET IN, SO WE ARE  
11:11AM 9 PRETTY BUSY.

11:11AM 10 THE COURT: GREAT. THANK YOU.

11:11AM 11 PROSPECTIVE JUROR: HI. 196.

11:11AM 12 THE COURT: YES.

11:11AM 13 PROSPECTIVE JUROR: I HAVE A FEW REASONS IN RANDOM  
11:11AM 14 ORDER.

11:11AM 15 SO I WORK AS A SUBSTITUTE TEACHER, AND GIVEN THE  
11:11AM 16 SUBSTITUTE TEACHER SHORTAGES, I KNOW THAT IT'S GOING TO BE  
11:11AM 17 TOUGH FOR THEM TO FIND A REPLACEMENT FOR THE DAYS THAT I HAVE  
11:11AM 18 SIGNED UP FOR.

11:11AM 19 MY KIDS, THEY ARE 13 AND 16, AND THEY HAVE TRACK MEETS AND  
11:12AM 20 STUFF AFTER SCHOOL, AND SO THE SCHEDULE VARIES. SO SOME DAYS  
11:12AM 21 THEY GET OFF AT 1:00 O'CLOCK AND THEY HAVE TO BE PICKED UP AND  
11:12AM 22 THEY HAVE TO BE DROPPED OFF AT THE MEETS AT 2:30 AND SO ON. SO  
11:12AM 23 THE SCHEDULE VARIES.

11:12AM 24 MY HUSBAND WORKS FULL TIME. HE'S GOING TO GO BACK TO WORK  
11:12AM 25 IN APRIL, AND HE TRAVELS FOR WORK QUITE FREQUENTLY, SO MANY

11:12AM 1 TIMES I'M THE PERSON WHO IS KIND OF TAKING CARE OF THE STUFF AT  
11:12AM 2 HOME.

11:12AM 3 AND I HAVE A TWO-YEAR OLD DOG WHO HAS SEPARATION ANXIETY  
11:12AM 4 AND WHO HAS NEVER BEEN ALONE, AND SO APRIL IS GOING TO BE OUR  
11:12AM 5 TIME TO FIGURE OUT HOW TO SORT THAT OUT.

11:12AM 6 THE COURT: I SEE. ALL RIGHT. THANK YOU.

11:12AM 7 AND DO YOU HAVE ARRANGEMENTS FOR FRIENDS OR RELATIVES TO  
11:13AM 8 TRANSFER YOUR CHILDREN, DRIVE THEM SHOULD THE NEED ARISE?

11:13AM 9 PROSPECTIVE JUROR: I DON'T HAVE ANY RELATIVES IN  
11:13AM 10 THE AREA.

11:13AM 11 FRIENDS? I'VE NEVER -- I MEAN, I'VE NEVER REALLY  
11:13AM 12 REQUESTED IT BECAUSE IT'S KIND OF OUT OF THE WAY FOR THEM, AND,  
11:13AM 13 YEAH.

11:13AM 14 THE COURT: DOES YOUR 16-YEAR OLD HAVE A DRIVER'S  
11:13AM 15 LICENSE?

11:13AM 16 PROSPECTIVE JUROR: HE HAS A PERMIT. HE HASN'T  
11:13AM 17 STARTED PRACTICING YET.

11:13AM 18 THE COURT: OH, I SEE. OKAY. THANK YOU.

11:13AM 19 ANYONE ELSE? 191.

11:13AM 20 PROSPECTIVE JUROR: YOUR HONOR, I JUST WANT TO MAKE  
11:13AM 21 NOTE OF AN EMPLOYMENT HARDSHIP IF ANYTHING ON MY END. THAT IS  
11:13AM 22 WHAT WE'RE DISCUSSING; CORRECT?

11:13AM 23 THE COURT: YES.

11:13AM 24 PROSPECTIVE JUROR: SO JUST TO REITERATE, I'M THE  
11:13AM 25 ONLY PRCS OFFICER IN OUR SOUTH COUNTY REGION. WE HAVE THREE.

11:14AM 1 IT IS A SPECIALIZED ASSIGNMENT.

11:14AM 2 I DO HAVE UPCOMING COURT DATES UP UNTIL JUNE CALENDAR, AND

11:14AM 3 UPCOMING TRAININGS.

11:14AM 4 THE COURT: OKAY.

11:14AM 5 PROSPECTIVE JUROR: AND I CAN DISCUSS FURTHER SHOULD

11:14AM 6 THE COURT ASK IN MORE PRIVATE.

11:14AM 7 THE COURT: OKAY. ARE THE SANTA CRUZ COUNTY

11:14AM 8 SUPERIOR COURT JUDGES UNDERSTANDING WHEN STAFF ARE IN JURY

11:14AM 9 SERVICE?

11:14AM 10 PROSPECTIVE JUROR: I BELIEVE SO, YES.

11:14AM 11 THE COURT: I THINK THEY ARE.

11:14AM 12 PROSPECTIVE JUROR: YES.

11:14AM 13 THE COURT: THAT'S MY UNDERSTANDING.

11:14AM 14 PROSPECTIVE JUROR: YES.

11:14AM 15 THE COURT: OKAY. ANYONE ELSE?

11:14AM 16 I SEE NO HANDS.

11:14AM 17 LET'S TAKE A RECESS NOW, LADIES AND GENTLEMEN.

11:14AM 18 THANK YOU FOR YOUR PATIENCE. THIS EXHAUSTS THE COURT'S

11:14AM 19 QUESTIONS. WE'LL HAVE -- I'LL OPEN THE FLOOR TO COUNSEL'S

11:14AM 20 QUESTIONS IN JUST A MOMENT.

11:14AM 21 SO LET ME ASK YOU TO COLLECT YOURSELVES DOWN IN THE JURY

11:14AM 22 ASSEMBLY ROOM, IF YOU WOULD.

11:14AM 23 I THINK WE'LL PROBABLY BE ABOUT A 30 MINUTE BREAK, PLEASE,

11:14AM 24 ABOUT 30 MINUTES. IT COULD BE LONGER.

11:14AM 25 AND THE JURY COMMISSIONER DOWN THERE WILL LET YOU KNOW OF

11:14AM 1 ANY CHANGES ABOUT THAT. I JUST WANT TO TALK TO THE LAWYERS  
11:15AM 2 ABOUT OUR SCHEDULE, AND THEY'LL LET YOU KNOW DOWNSTAIRS.

11:15AM 3 SO IT WILL BE AT LEAST 30 MINUTES. I THINK THERE ARE SOME  
11:15AM 4 STARBUCKS AND OTHER PLACES AROUND WHERE YOU CAN GET  
11:15AM 5 REFRESHMENTS IF YOU WOULD LIKE.

11:15AM 6 SO PLEASE LEAVE THE SCHEDULES ON THE CHAIRS, IF YOU WOULD,  
11:15AM 7 PLEASE.

11:15AM 8 (PROSPECTIVE JURY PANEL OUT AT 11:15 A.M.)

11:16AM 9 THE COURT: THANK YOU. PLEASE BE SEATED.

11:16AM 10 THE RECORD WILL REFLECT THAT OUR PROSPECTIVE PANEL HAS  
11:16AM 11 LEFT AND ALL PARTIES AND THE DEFENDANT IS PRESENT.

11:16AM 12 COUNSEL, WE'LL PROBABLY TAKE A TEN MINUTE BREAK HERE, TOO,  
11:16AM 13 TO COLLECT OUR THOUGHTS.

11:16AM 14 BUT ANYTHING ANYONE WANTS TO SAY BEFORE WE BREAK?

11:16AM 15 MR. SCHENK: MAY I JUST HAVE ONE MOMENT?

11:16AM 16 THE COURT: YES, OF COURSE.

11:16AM 17 (DISCUSSION AMONGST GOVERNMENT COUNSEL OFF THE RECORD.)

11:16AM 18 MR. SCHENK: YOUR HONOR, NOTHING WE NEED TO DISCUSS  
11:16AM 19 NOW, EXCEPT 205 RAISED HER HAND TO -- THAT'S THE JUROR WHO WAS  
11:16AM 20 SITTING ALL OF THE WAY ON THE END -- TO THE COURT'S QUESTIONS  
11:17AM 21 ABOUT HARDSHIPS, AND I THINK WE MISSED THE RAISED HAND.

11:17AM 22 THE COURT: I THINK I DID MISS HER. SHE WAS SITTING  
11:17AM 23 ON THE OTHER SIDE OF THE WITNESS STAND HERE.

11:17AM 24 MR. COOPERSMITH, ANYTHING?

11:17AM 25 MR. COOPERSMITH: YOUR HONOR, THERE'S I THINK MAYBE

11:17AM 1 TWO JURORS I HAVE SOME COMMENTS ABOUT BEFORE WE GO FURTHER, BUT  
11:17AM 2 I CAN DO IT AFTER THE BREAK.

11:17AM 3 THE COURT: WELL, LET ME ASK YOU ABOUT 222, THE  
11:17AM 4 VETERINARIAN. IS THAT ONE OF YOURS? NO?

11:17AM 5 MR. COOPERSMITH: THAT'S NOT A CAUSE ISSUE AT THE  
11:17AM 6 MOMENT, BUT THERE'S A HARDSHIP ISSUE I UNDERSTAND.

11:17AM 7 THE COURT: THAT'S WHAT I'M ASKING.

11:17AM 8 MR. COOPERSMITH: YES, YES.

11:17AM 9 MR. SCHENK: NO OBJECTION TO EXCUSING HER FOR  
11:17AM 10 HARDSHIP.

11:17AM 11 MR. COOPERSMITH: SAME, YOUR HONOR.

11:17AM 12 THE COURT: ALL RIGHT. SO WE'LL EXCUSE 222, BUT  
11:17AM 13 LET'S WAIT TO EXCUSE HER. BUT THE COURT INTENDS TO EXCUSE 222.

11:17AM 14 OKAY. ANY OTHER HARDSHIPS THAT LEAP OUT AT THE PARTIES  
11:17AM 15 THAT YOU CARE TO DISCUSS?

11:17AM 16 (PAUSE IN PROCEEDINGS.)

11:18AM 17 MR. SCHENK: YOUR HONOR, I'D LIKE TO SPEND SOME TIME  
11:18AM 18 OVER THE BREAK LOOKING AT MY NOTES.

11:18AM 19 THE COURT: SURE.

11:18AM 20 MR. SCHENK: 196 TOLD US ABOUT SOME SHUTTLLING KIDS  
11:18AM 21 AROUND WITHOUT FAMILY IN THE AREA HARDSHIPS THAT I JUST WANT TO  
11:18AM 22 LOOK AT MY NOTES A LITTLE BIT MORE --

11:18AM 23 THE COURT: SURE.

11:18AM 24 MR. SCHENK: -- AND SEE IF I HAVE A VIEW ON THAT.

11:18AM 25 THE COURT: LET'S DO THAT. WHY DON'T WE TAKE

11:18AM 1 TEN MINUTES OR SO TO LOOK AT THIS, AND THEN WOULD YOU ALSO  
11:18AM 2 THINK ABOUT OUR PROTOCOL FOR OUR PRIVATE CONVERSATIONS? I  
11:18AM 3 THINK I HAVE IDENTIFIED MAYBE FIVE, SIX PEOPLE AND MADE AN  
11:18AM 4 EXPRESSION TO SPEAK PRIVATELY.

11:18AM 5 MR. SCHENK: RIGHT, YOUR HONOR. AND THERE MAY BE  
11:18AM 6 OTHER PEOPLE BASED ON THE QUESTIONING, BUT THERE WERE I THINK  
11:18AM 7 ABOUT FIVE ALREADY.

11:18AM 8 THE COURT: RIGHT. RIGHT.

11:18AM 9 OKAY. LET'S HAVE YOU LOOK AT YOUR NOTES, AND IF YOU WANT  
11:18AM 10 TO TALK AMONGST YOURSELVES, MEET AND CONFER, AND THEN WE'LL  
11:18AM 11 TALK ABOUT 10 OR 15 MINUTES.

11:18AM 12 MR. COOPERSMITH: OKAY.

11:18AM 13 MR. SCHENK: THANK YOU.

11:19AM 14 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

11:19AM 15 (RECESS FROM 11:19 A.M. UNTIL 11:40 A.M.)

11:40AM 16 THE COURT: WE'RE BACK ON THE RECORD. ALL COUNSEL  
11:40AM 17 ARE PRESENT. THE DEFENDANT IS PRESENT.

11:40AM 18 WE'RE OUTSIDE OF THE PRESENCE OF OUR PROSPECTIVE PANEL.  
11:40AM 19 COUNSEL.

11:40AM 20 MR. SCHENK: THANK YOU FOR THAT TIME, YOUR HONOR.

11:40AM 21 SO THE FIRST JUROR TO DISCUSS FOR HARDSHIP BASED ON THIS  
11:40AM 22 MORNING I BELIEVE IS 202. JUROR 202 TOLD US ABOUT TRAVEL TO  
11:40AM 23 THE EAST COAST, NEW YORK AND BOSTON. HE HAS PURCHASED TICKETS,  
11:40AM 24 AND WE ARE SCHEDULED FOR THREE TRIAL DAYS DURING THE PERIOD OF  
11:40AM 25 TIME WHEN HE WOULD BE AWAY, AND I THINK GOING DARK FOR THOSE



11:40AM 1 THREE DAYS -- IT'S AT THE END OF MARCH, BEGINNING OF APRIL --  
11:40AM 2 IS REALLY NOT THE BEST OPTION AT THIS POINT.

11:40AM 3 SO I THINK IT WOULD BE APPROPRIATE TO EXCUSE 202 FOR  
11:40AM 4 HARDSHIP.

11:41AM 5 MR. COOPERSMITH: YOUR HONOR, I DON'T THINK THAT  
11:41AM 6 THAT NECESSARILY RISES TO THE LEVEL OF HARDSHIP GIVEN WHAT WE  
11:41AM 7 HAVE DONE WITH OTHER JURORS.

11:41AM 8 HE DID SAY THAT IT WOULD BE DIFFICULT, I THINK HE  
11:41AM 9 MENTIONED SOME TICKETS HE HAD, I'M SURE IT WILL BE DEEPLY  
11:41AM 10 DISAPPOINTING.

11:41AM 11 BUT I DON'T KNOW THAT HAVING A WEEK'S TRAVEL, THERE MIGHT  
11:41AM 12 BE SOME WAY TO ACCOMMODATE AT LEAST PART OF THAT.

11:41AM 13 BUT I DON'T SEE THAT, GIVEN WHAT I HAVE ALREADY HEARD, I  
11:41AM 14 DON'T NECESSARILY SEE THAT.

11:41AM 15 THE COURT: WELL, HE TOLD US THAT HE'S TRAVELLING TO  
11:41AM 16 MANHATTAN. HE SAID HE BOUGHT TICKETS FOR SHOWS. I DIDN'T ASK  
11:41AM 17 HIM. I'M ASSUMING THAT'S BROADWAY SHOWS.

11:41AM 18 MR. COOPERSMITH: IT COULD BE.

11:41AM 19 THE COURT: I DIDN'T ASK. ISN'T THAT WHERE THEY  
11:41AM 20 KEEP BROADWAY?

11:41AM 21 AND HE HAD PLANE TICKETS. SO IT SOUNDS LIKE HE WAS PRETTY  
11:41AM 22 FIRM IN THAT.

11:42AM 23 I WAS THINKING ABOUT WHAT'S THE ALTERNATIVE, WE GO DARK.  
11:42AM 24 I WOULD JUST HATE TO START CHIPPING AWAY AT DAYS. I THINK THE  
11:42AM 25 JUROR YESTERDAY WHO HAD WEDDINGS, I THINK WE -- AT LEAST FOR

11:42AM 1 NOW SHE'S STILL ON THE JURY, AND I THINK THAT MIGHT REQUIRE US  
11:42AM 2 TO BE DARK ONE DAY, MAYBE, IF I RECALL CORRECTLY.

11:42AM 3 WELL, I THINK HE WOULD MAKE A GOOD JUROR JUST BASED ON HIS  
11:42AM 4 QUESTIONNAIRE, BUT I DO THINK HE WAS PRETTY EMPHATIC ABOUT HIS  
11:42AM 5 TRIAL -- OR EXCUSE ME, TRAVEL PLANS. HE PULLED HIS PHONE AND  
11:42AM 6 HAD HIS DATES ON THERE.

11:42AM 7 I'M GOING TO EXCUSE 202 FOR HARDSHIP, FOR TRAVEL HARDSHIP.

11:42AM 8 MR. SCHENK: YOUR HONOR, NEXT THERE ARE TWO JURORS  
11:42AM 9 THAT MIGHT BE WORTH A LITTLE BIT OF ADDITIONAL FOLLOWUP TO  
11:43AM 10 BETTER DETERMINE WHETHER THERE IS A HARDSHIP, AND THAT IS BOTH  
11:43AM 11 JURORS EXPRESSED CHILD PICKUP OR DROP-OFF ISSUES AND THAT'S 196  
11:43AM 12 AND 209.

11:43AM 13 196 DESCRIBED TO US THE CHALLENGES OF PICKING UP HER TWO  
11:43AM 14 CHILDREN AND TAKING THEM TO MEETS.

11:43AM 15 AND I THINK WHAT MIGHT BE HELPFUL TO KNOW IS IF HER  
11:43AM 16 CHILDREN ARE ON SCHOOL TEAMS AND WHETHER THE SCHOOL PROVIDES  
11:43AM 17 SOME TRANSPORTATION. THE COURT INQUIRED ABOUT WHETHER THERE  
11:43AM 18 WERE FAMILY OR FRIENDS IN THE AREA, AND IT MIGHT BE HELPFUL TO  
11:43AM 19 KNOW WHETHER THERE REALLY IS NO OTHER ALTERNATIVE.

11:43AM 20 SHE TOLD US THAT HER HUSBAND TRAVELS FOR WORK, AND IF  
11:43AM 21 THERE IS REALLY NO OTHER ALTERNATIVE, THEN I THINK WE  
11:43AM 22 UNDERSTAND THE HARDSHIP. IF THERE MIGHT BE A DIFFERENT AVENUE  
11:43AM 23 FROM GETTING THE KIDS FROM ONE PLACE TO ANOTHER, WE MIGHT NOT  
11:44AM 24 HAVE TO EXCUSE 196.

11:44AM 25 209 TOLD US ABOUT HIS PICKUP AND DROP-OFF RESPONSIBILITIES

1 FOR HIS CHILDREN. I BELIEVE THE FAMILY LIVES IN GILROY AND THE  
2 KIDS ATTEND SCHOOL IN SAN JOSE. HE WORKS IN SAN JOSE.

3 SO I DON'T BELIEVE THAT THE MORNING DROP-OFF IS A PROBLEM.  
4 THE KIDS' SCHOOL STARTS AT 8:00, AND SO HE SHOULD, IT SEEMS, BE  
5 ABLE TO DROP THE KIDS AT SCHOOL IN SAN JOSE AND BE HERE IN  
6 COURT. IT'S REALLY THE PICKUP, THE 2:30 PICKUP.

7 AND HE TOLD US ON THE QUESTIONNAIRE THAT HIS WIFE WAS  
8 GOING TO BE TRAVELLING FROM MARCH 15TH TO MARCH 20TH. SO  
9 THAT'S TOMORROW.

10 THERE WOULD BE TWO COURT DAYS THIS WEEK, TOMORROW AND  
11 PRESUMABLY FRIDAY, WHERE HIS WIFE WOULDN'T BE AVAILABLE TO DO  
12 THE PICKUP, AND WOULD THAT REQUIRE HIM TO LEAVE COURT JUST A  
13 LITTLE BIT BEFORE 2:30? AND IS THAT THE EXTENT OF THE HARDSHIP  
14 AND HIS WIFE COULD ASSIST WITH PICKUPS ON FUTURE DAYS WHEN  
15 SHE'S IN TOWN?

16 I DON'T KNOW THAT WE KNOW ENOUGH. MY ASSUMPTION IS THAT  
17 THAT WOULD BE THE PROBLEM AND WE MIGHT HAVE TO BREAK EARLY  
18 WEDNESDAY AND FRIDAY THIS WEEK.

19 BUT IT MIGHT BE USEFUL TO CLARIFY THAT WITH 209.

20 THE COURT: MR. COOPERSMITH.

21 MR. COOPERSMITH: YOUR HONOR, MR. SCHENK DESCRIBED  
22 WHAT OCCURRED, AND THE COURT HEARD THAT AS WELL.

23 I THINK THAT -- AND I GUESS WE NEED TO BE A LITTLE ULTRA  
24 SENSITIVE THAT WE DON'T WANT A RECURRENCE OF PEOPLE WHO GET ON  
25 THE JURY AND, LIKE, MAKE ANOTHER PLEA LATER.

11:45AM 1 I THINK IT'S OBVIOUSLY FINE TO FOLLOW UP, BUT THEY DID  
11:45AM 2 STATE REASONS THAT ARE HARDSHIPS, AND THE COURT COULD EXCUSE  
11:45AM 3 THEM TO ACCOMMODATE THAT SO THERE'S NO FURTHER ISSUES.

11:45AM 4 THE COURT: WELL, WE'RE GOING TO TALK WITH THIS  
11:46AM 5 WITNESS PRIVATELY ALSO. I BELIEVE THIS IS SOMEONE WHO I  
11:46AM 6 IDENTIFIED TO TALK WITH BECAUSE OF KNOWLEDGE OF THE CASE.

11:46AM 7 MR. COOPERSMITH: YES, YOUR HONOR.

11:46AM 8 THE COURT: SO PERHAPS WE CAN RAISE THIS IN THAT  
11:46AM 9 TIME.

11:46AM 10 MR. SCHENK: AND THEN ONE FINAL SUGGESTION FOR THE  
11:46AM 11 COURT. 236 I HEARD SAY "A CLAIM MADE BY," AND I THINK THE  
11:46AM 12 COURT WAS DILIGENTLY TRYING TO PREVENT ONE JUROR FROM SAYING  
11:46AM 13 SOMETHING TO INFECT OTHERS.

11:46AM 14 IF 236 THEREFORE FALLS INTO A CATEGORY OF JURORS THAT WE  
11:46AM 15 WANT TO TALK TO PRIVATELY, 236 IS ALSO THE JUROR WHO TOLD US  
11:46AM 16 ABOUT AN INTERVIEW AT 1:00 O'CLOCK TODAY.

11:46AM 17 SO I ONLY RAISE THAT NOW FOR TIMING PURPOSES, WHETHER WE  
11:46AM 18 TAKE HIM OUT OF ORDER.

11:46AM 19 THE COURT: THANK YOU. THANK YOU.

11:46AM 20 AND I DO SEE 236, AT LEAST ON MY LIST, OF KNOWLEDGE OF THE  
11:47AM 21 CASE THAT WE SPEAK WITH PRIVATELY.

11:47AM 22 MR. COOPERSMITH.

11:47AM 23 MR. COOPERSMITH: YOUR HONOR, THERE ARE A NUMBER OF  
11:47AM 24 JURORS WHO WANTED TO SPEAK PRIVATELY. I THINK THERE ARE OTHERS  
11:47AM 25 THAT WILL REQUEST AFTER WE DO THE PANEL DISCUSSION.

1 I DO AGREE WITH MR. SCHENK, IT DOES MAKE SENSE, BECAUSE OF  
2 SOME OF THE ANSWERS THAT 236 GAVE AND GIVEN HIS INTERVIEW AT  
3 1:00, I THINK IT MAKES SENSE TO TAKE HIM OUT OF ORDER, AND  
4 OBVIOUSLY IF IT ENDS UP THAT HE'S DISMISSED FOR CAUSE, THEN  
5 HE'LL BE ON HIS WAY TO HIS INTERVIEW, AND WHICHEVER WAY THAT  
6 SEEMS HELPFUL TO HIM.

7 THE COURT: DO YOU WANT TO BRING HIM UP NOW PRIOR TO  
8 YOUR QUESTIONING OF HIM AND SPEAK WITH HIM PRIVATELY ABOUT  
9 THIS?

10 MR. COOPERSMITH: I THINK THAT MAKES SENSE. DURING  
11 THE COURSE OF THAT, WHILE HE'S HERE, I WOULD WANT TO ASK HIM  
12 ABOUT -- YOUR HONOR, WHILE HE'S HERE, I THINK I WOULD WANT TO  
13 ASK HIM ABOUT SOME OF HIS ANSWERS, AND MAYBE MR. SCHENK AND THE  
14 COURT AS WELL, THAT HE GAVE IN RESPONSE TO THE COURT'S  
15 QUESTIONS.

16 THE COURT: OKAY. IT'S ABOUT A QUARTER TO NOON NOW.  
17 OKAY. ANYTHING ELSE?

18 MR. SCHENK: NO, YOUR HONOR. THANK YOU.

19 THE COURT: FOR NOW?

20 OKAY. SO WE CAN BRING 236 UP NOW AND QUESTION HIM, WHICH  
21 WOULD PERMIT HIM TO DO HIS INTERVIEW IF HE REMAINS, OR  
22 WHATEVER.

23 AND THEN SHOULD WE CALL THE BALANCE OF THE PANEL UP?

24 IF YOU'RE GOING TO QUESTION THE PANEL, HE HAS TO BE HERE  
25 DURING THE QUESTIONING OF ALL OF THE OTHER PANELS AS WELL. I

11:49AM 1 CAN'T SEPARATE PROSPECTIVE JURORS.

11:49AM 2 SO WE CAN BRING HIM UP NOW AND ASK HIM ABOUT WHATEVER IT  
11:49AM 3 IS, A CAUSE TYPE OF SITUATION, SEE IF THAT MERITS HIM LEAVING.

11:49AM 4 IF IT DOESN'T, WE'RE KIND OF IN A TIME PICKLE.

11:49AM 5 MR. COOPERSMITH: YOU KNOW, JUST TO MAKE A  
11:49AM 6 SUGGESTION FOR THE COURT'S CONSIDERATION, THERE ARE A NUMBER OF  
11:49AM 7 PEOPLE WHO ALREADY HAVE SAID THAT THEY WANT TO SPEAK PRIVATELY  
11:49AM 8 ABOUT ONE THING OR THE OTHER.

11:49AM 9 OUR REQUEST WOULD BE TO SPEAK PRIVATELY WITH ANYBODY WHO  
11:49AM 10 KNEW ABOUT THE CONVICTION OR THE ALLEGATIONS AGAINST  
11:49AM 11 MR. BALWANI THAT MS. HOLMES MADE, AND THEN WE HAVE THIS JUROR,  
11:49AM 12 I THINK IT'S 236 WHO HAS THAT APPOINTMENT.

11:49AM 13 I'M WONDERING, IT'S A LITTLE UNORTHODOX, BUT ANY QUESTIONS  
11:49AM 14 THAT I WOULD ASK JURORS IN INDIVIDUAL VOIR DIRE I WOULD COVER  
11:49AM 15 WHAT I NEEDED TO COVER BETTER THAN IN THE GROUP SETTING.

11:49AM 16 SO I'M WONDERING IF WE CAN BRING THE JURORS UP  
11:49AM 17 INDIVIDUALLY AND THEN RESUME WITH THE GROUP QUESTIONING LATER?

11:49AM 18 THE ONLY PROBLEM WITH THAT, YOUR HONOR, JUST TO BE TOTALLY  
11:50AM 19 CANDID, IS THAT YOU COULD END UP WITH MORE JURORS THAT YOU HAVE  
11:50AM 20 TO QUESTION AFTERWARDS, SO IT'S A LITTLE UNORTHODOX.

11:50AM 21 THE COURT: RIGHT. I THINK -- I'D LIKE TO KEEP THE  
11:50AM 22 JURORS TOGETHER AS BEST WE CAN FOR THE QUESTIONING.

11:50AM 23 MR. COOPERSMITH: OKAY.

11:50AM 24 THE COURT: BECAUSE AS I SAID, THE ANSWERS OF OTHER  
11:50AM 25 JURORS THAT WE HAVE SEEN THIS MORNING CAN AFFECT RESPONSES FROM

11:50AM 1 OTHER JURORS WHO ARE LISTENING, AND THAT'S ONE OF THE PURPOSES  
11:50AM 2 OF VOIR DIRE.

11:50AM 3 SO IF WE BRING THESE INDIVIDUALS UP, THERE'S ABOUT TEN OF  
11:50AM 4 THEM, I THINK, DO YOU WANT TO DO THAT NOW PRIOR TO YOUR VOIR  
11:50AM 5 DIRE OF THE PANEL?

11:50AM 6 MR. SCHENK: DO ALL TEN PRIVATELY?

11:50AM 7 THE COURT: RIGHT. AND THEN BRING THEM BACK?

11:50AM 8 I THINK THIS IS KIND OF WHAT MR. COOPERSMITH IS  
11:50AM 9 SUGGESTING. THIS IS REGARDING THE TWO QUESTIONS THAT RESPONDED  
11:50AM 10 THESE ANSWERS ABOUT PRIVATE CONVERSATIONS OR KNOWLEDGE OF THE  
11:51AM 11 CASE AND REASONS THAT THEY COULD NOT SERVE: 191 IS A CROSSOVER  
11:51AM 12 I THINK FOR BOTH OF THOSE CATEGORIES; AND 195 WANTED TO SPEAK  
11:51AM 13 WITH US ABOUT A FINANCIAL SITUATION.

11:51AM 14 MR. SCHENK: YOUR HONOR, MAY I HAVE JUST ONE MOMENT?

11:51AM 15 THE COURT: SURE.

11:51AM 16 (DISCUSSION OFF THE RECORD.)

11:51AM 17 MR. SCHENK: YOUR HONOR, I THINK WHAT WE'RE --  
11:52AM 18 REALLY THE ONLY OPTIONS ARE TO DO 236 INDIVIDUALLY, SEE IF A  
11:52AM 19 CAUSE ARISES THAT CAUSES HIM TO BE EXCUSED, OTHERWISE HE GETS  
11:52AM 20 FOLDED BACK IN WITH THE REST.

11:52AM 21 I DON'T HAVE AN OPINION OR PREFERENCE ON WHETHER WE DO THE  
11:52AM 22 REMAINING EIGHT OR NINE INDIVIDUALS BEFORE WE GO BACK TO A  
11:52AM 23 GROUP AFTER 236, OR WHETHER WE PUT 236 BACK IN WITH THE LARGE  
11:52AM 24 GROUP, WE DO THE ATTORNEY CONDUCTED VOIR DIRE PORTION, AND THEN  
11:52AM 25 THROUGH THAT WE DETERMINE WHICH ARE THE ONES THAT NEED

11:52AM 1 INDIVIDUAL VOIR DIRE. I DON'T HAVE A SUGGESTION.

11:52AM 2 MR. COOPERSMITH: YOUR HONOR, NOW THAT I'M THINKING  
11:52AM 3 ABOUT IT AND AFTER CONFERRING WITH MR. SCHENK, I DON'T WANT TO  
11:52AM 4 HAVE PEOPLE, YOU KNOW, DOWNSTAIRS JUST WAITING, RIGHT? I THINK  
11:52AM 5 THAT'S NOT CONSIDERATE.

11:52AM 6 WHAT WE COULD DO IS TAKE NUMBER 236 OUT OF ORDER BECAUSE  
11:53AM 7 OF HIS CIRCUMSTANCES, AND THEN GO AHEAD WITH THE GROUP VOIR  
11:53AM 8 DIRE AS NORMAL, AND THEN ANY SPECIFIC JURORS THAT WANTED TO  
11:53AM 9 TALK BASED ON THAT WE WOULD THEN DO THE INDIVIDUAL.

11:53AM 10 AT THAT POINT, THOUGH, THE JURORS WHO WERE NOT GOING TO BE  
11:53AM 11 ON INDIVIDUAL VOIR DIRE COULD BE RELIEVED WITH THE COURT'S  
11:53AM 12 PERMISSION TO BE CONTACTED AT SOME OTHER POINT.

11:53AM 13 SO I DON'T KNOW IF THAT WORKS.

11:53AM 14 THE COURT: YES. I'VE ALSO MADE INQUIRY ABOUT  
11:53AM 15 BRINGING THE OTHER PANEL BACK TODAY IN THE HOPES THAT WE CAN  
11:53AM 16 ACCOMPLISH WHAT WE NEED TO DO TODAY WITH SWEARING THE JURY.  
11:53AM 17 THAT'S WHAT I WOULD LIKE TO DO.

11:53AM 18 MY FEAR IS BY DELAYING, IT CREATES AN OPPORTUNITY TO --  
11:53AM 19 FOR THE COURT TO RECEIVE EMAILS --

11:53AM 20 MR. COOPERSMITH: SURE.

11:53AM 21 THE COURT: -- REGARDING ISSUES.

11:53AM 22 I'VE ASKED ABOUT THAT AND IT SOUNDS LIKE WE MAY BE ABLE TO  
11:53AM 23 BRING BACK THE OTHER PANEL, AND THEY MIGHT BE BACK HERE AS  
11:53AM 24 EARLY AS 1:00 P.M.

11:54AM 25 SO I -- AS TO YOUR POINT ABOUT HAVING PEOPLE WAIT AROUND,



11:54AM 1 WE DON'T WANT THAT.

11:54AM 2 MR. COOPERSMITH: RIGHT.

11:54AM 3 THE COURT: SO I'D LIKE TO GET OUR PROCESS GOING AS  
11:54AM 4 EFFICIENTLY AS WE CAN, RESPECTING THE RIGHTS OF BOTH PARTIES TO  
11:54AM 5 DO THAT OF COURSE.

11:54AM 6 SO LET'S BRING 236 UP AND SEE IF HE'S THERE.

11:54AM 7 I'M JUST GOING TO GET MY CHART OFF MY DESK.

11:54AM 8 (PAUSE IN PROCEEDINGS.)

11:55AM 9 THE COURT: I'M GOING TO ASK OUR COURTROOM DEPUTY TO  
11:55AM 10 GIVE YOU A COPY OF AN EMAIL FROM PROSPECTIVE JUROR 131.

11:57AM 11 (PAUSE IN PROCEEDINGS.)

11:57AM 12 (PROSPECTIVE JUROR NUMBER 236 IS PRESENT.)

11:58AM 13 THE COURT: ALL RIGHT. THANK YOU. PLEASE BE  
11:58AM 14 SEATED. THANK YOU.

11:59AM 15 WE'RE ON THE RECORD. THE RECORD SHOULD REFLECT THAT  
11:59AM 16 JUROR 236 HAS RETURNED TO THE COURTROOM.

11:59AM 17 ALL COUNSEL AND THE DEFENDANT IS PRESENT.

11:59AM 18 WE'RE OUTSIDE OF THE PRESENCE OF THE OTHER PANEL MEMBERS.

11:59AM 19 JUROR 236, THANK YOU FOR COMING UP. I WANTED TO ASK YOU  
11:59AM 20 SOME QUESTIONS OUTSIDE OF THE PRESENCE OF YOUR COLLEAGUE JURORS  
11:59AM 21 AS WE'VE SAID.

11:59AM 22 FIRST OF ALL, I UNDERSTAND, SIR, YOU HAVE A -- DO YOU HAVE  
11:59AM 23 A ZOOM CALL TODAY AT 1:00 O'CLOCK?

11:59AM 24 PROSPECTIVE JUROR: I RESCHEDULED IT.

11:59AM 25 THE COURT: OH, YOU DID? OH, OKAY. WELL, THANK YOU

11:59AM 1  
11:59AM 2  
11:59AM 3  
11:59AM 4  
11:59AM 5  
11:59AM 6  
11:59AM 7  
11:59AM 8  
11:59AM 9  
11:59AM 10  
11:59AM 11  
11:59AM 12  
12:00PM 13  
12:00PM 14  
12:00PM 15  
12:00PM 16  
12:00PM 17  
12:00PM 18  
12:00PM 19  
12:00PM 20  
12:00PM 21  
12:00PM 22  
12:00PM 23  
12:00PM 24  
12:00PM 25

FOR THAT.

THAT'S ONE OF THE REASONS WE CALLED YOU UP. WE WANTED TO  
GIVE YOU AMPLE TIME TO TAKE CARE OF THAT. THANK YOU.

WAS THAT RESCHEDULED FOR LATER THIS WEEK?

PROSPECTIVE JUROR: FOR TOMORROW.

THE COURT: FOR WHAT TIME TOMORROW?

PROSPECTIVE JUROR: SAME TIME, AT 2:00 O'CLOCK  
TOMORROW.

THE COURT: 2:00 O'CLOCK TOMORROW. OKAY. THANK  
YOU.

SO I WANTED TO CALL YOU UP IN RESPONSE TO YOUR QUESTION,  
YOUR ANSWER, EXCUSE ME, TO THE QUESTION ABOUT KNOWLEDGE OF THE  
OTHER CASE, AND I THINK YOU TOLD ME, YOU TOLD US THAT YOU WATCH  
LOCAL NEWS T.V. --

PROSPECTIVE JUROR: YES.

THE COURT: -- ABOUT THE OTHER CASE.

PROSPECTIVE JUROR: THAT'S RIGHT.

THE COURT: AND WHY DON'T YOU TELL ME A LITTLE BIT  
ABOUT WHAT IT IS THAT YOU SAW, WHAT PROGRAMS.

PROSPECTIVE JUROR: SO IT WAS I THINK KRON  
BASICALLY. EVER SINCE THIS CASE STARTED, WE'VE BEEN STAYING IN  
TOUCH OR WATCHING THE NEWS. WE WATCH THE NEWS EVERY MORNING.

ANYWAY, THE LAST THING I HEARD WAS ELIZABETH HOLMES WHEN  
SHE SAID THE THING THAT KIND OF MADE ME, I GUESS, CAST DOUBT OR  
PASS JUDGMENT, BUT WHAT SHE SAID WAS THAT THE DEFENDANT WAS

12:00PM 1 ABUSIVE. THAT WAS IT.

12:00PM 2 THE COURT: OH, OKAY. YOU HEARD THAT ON THE NEWS?

12:01PM 3 PROSPECTIVE JUROR: THAT SHE SAID.

12:01PM 4 THE COURT: YOU HEARD ON THE NEWS, THE NEWS REPORTED

12:01PM 5 THAT SHE SAID THAT?

12:01PM 6 PROSPECTIVE JUROR: THAT'S RIGHT.

12:01PM 7 THE COURT: OKAY. AND HOW LONG AGO WAS IT THAT YOU

12:01PM 8 HEARD THIS?

12:01PM 9 PROSPECTIVE JUROR: I THINK RIGHT BEFORE THE VERDICT

12:01PM 10 OR RIGHT AFTER THE VERDICT WAS READ.

12:01PM 11 THE COURT: OKAY. ARE YOU AWARE OF A VERDICT THAT

12:01PM 12 WAS --

12:01PM 13 PROSPECTIVE JUROR: I THINK SO. LIKE I SAY, I WAS

12:01PM 14 WATCHING THE NEWS AND IT COMES ON AND FROM THE NEWS MOMENTUM, I

12:01PM 15 FELT LIKE SHE WAS GOING TO BE GUILTY.

12:01PM 16 SO LAST TIME I REMEMBER SEEING HER COMING OUT OF THE

12:01PM 17 COURTHOUSE, AND THAT'S WHEN THEY REPORTED THAT SHE SAID THAT HE

12:01PM 18 WAS ABUSIVE TOWARD HER.

12:01PM 19 THE COURT: OKAY. THAT'S WHAT THE NEWS REPORTED

12:01PM 20 THAT SHE SAID?

12:01PM 21 PROSPECTIVE JUROR: THAT'S RIGHT.

12:01PM 22 THE COURT: OKAY. AND ARE YOU AWARE OF THE VERDICT

12:01PM 23 IN HER CASE? ARE YOU AWARE OF WHAT HAPPENED IN HER CASE?

12:01PM 24 PROSPECTIVE JUROR: I THOUGHT SHE WAS FOUND GUILTY.

12:01PM 25 THE COURT: OKAY. AND THAT AWARENESS COMES FROM THE

12:01PM 1 MEDIA AS WELL?

12:01PM 2 PROSPECTIVE JUROR: THAT'S RIGHT.

12:02PM 3 THE COURT: IS THAT SOMETHING THAT YOU RECALL SEEING  
12:02PM 4 ON A NEWS OR READING?

12:02PM 5 PROSPECTIVE JUROR: I COULD HAVE SWORE I SAW IT ON  
12:02PM 6 THE NEWS, YEAH.

12:02PM 7 THE COURT: OKAY. SO THANK YOU.

12:02PM 8 ANYTHING ELSE ABOUT YOUR EXPOSURE TO THE CASE?

12:02PM 9 PROSPECTIVE JUROR: THAT'S IT.

12:02PM 10 THE COURT: OKAY. WELL, LET ME ASK YOU THE QUESTION  
12:02PM 11 YOU HEARD ME ASK THIS MORNING OF OTHERS: BASED ON WHAT YOU  
12:02PM 12 KNOW AND THAT INFORMATION THAT YOU SHARED WITH US, DO YOU  
12:02PM 13 BELIEVE THAT YOU CAN BE A FAIR AND IMPARTIAL JUROR TO BOTH  
12:02PM 14 SIDES?

12:02PM 15 PROSPECTIVE JUROR: YES.

12:02PM 16 SO WHEN THIS THING CAME UP, THIS CASE CAME UP, WE HAD  
12:02PM 17 DISCUSSIONS ABOUT IT WITH FRIENDS, AND SO WE HAD OUR OWN  
12:02PM 18 OPINIONS ON THIS CASE. SO MY OPINION WAS NOT FAVORABLE TO THE  
12:02PM 19 DEFENDANT.

12:02PM 20 THE COURT: OKAY. AND YOU USED THE PAST TENSE  
12:03PM 21 "WAS," DESCRIBING WHAT YOUR OPINION WAS WHEN YOU HAD  
12:03PM 22 CONVERSATIONS.

12:03PM 23 PROSPECTIVE JUROR: YES.

12:03PM 24 THE COURT: ALL RIGHT. SO YOU HEARD ME TALK ABOUT  
12:03PM 25 THE TRIAL PROCESS, THAT YOU'RE TO MAKE DECISIONS JUST HERE.

12:03PM 1 PROSPECTIVE JUROR: YES.

12:03PM 2 THE COURT: IS THAT SOMETHING THAT YOU THINK YOU CAN  
12:03PM 3 DO? CAN YOU PUT ASIDE YOUR OPINIONS, INCLUDING THE OPINIONS  
12:03PM 4 THAT YOU SHARED WITH YOUR FRIENDS, AND PUT ASIDE ANYTHING THAT  
12:03PM 5 YOU'VE READ, HEARD, OR LISTENED TO ABOUT THIS CASE AND BE A  
12:03PM 6 FAIR AND IMPARTIAL JUROR AND DECIDE THE CASE ONLY ON THE  
12:03PM 7 EVIDENCE THAT YOU HEAR IN THIS COURTROOM?

12:03PM 8 PROSPECTIVE JUROR: I DO BELIEVE THAT. I THINK THAT  
12:03PM 9 EVERYONE IS INNOCENT UNTIL PROVEN GUILTY.

12:03PM 10 THE COURT: RIGHT. AND IS THAT SOMETHING THAT -- TO  
12:03PM 11 MY QUESTION, IS THAT SOMETHING THAT YOU CAN DO? CAN YOU DO  
12:03PM 12 THAT? CAN YOU PUT ASIDE EVERYTHING ELSE THAT YOU'VE HEARD?

12:03PM 13 PROSPECTIVE JUROR: SURE. I THINK SO.

12:03PM 14 THE COURT: OKAY. ANY DOUBT IN YOUR MIND ABOUT  
12:03PM 15 THAT?

12:03PM 16 PROSPECTIVE JUROR: NO.

12:03PM 17 THE COURT: AND TELL ME, HOW DO YOU THINK YOU -- HOW  
12:03PM 18 WOULD YOU DO THAT?

12:04PM 19 PROSPECTIVE JUROR: IT'S IMPORTANT, BUT I FEEL LIKE  
12:04PM 20 THE DEFENSE HAS TO PROVE -- LIKE I SAID, I FEEL LIKE HE HAS TO  
12:04PM 21 PROVE THERE WAS NO INVOLVEMENT OR THERE WAS NO CONNECTION TO  
12:04PM 22 WIRE FRAUD OR WHATEVER. SO THAT'S THE WAY I FEEL.

12:04PM 23 THE COURT: I'M SORRY, YOU THINK THAT THE DEFENDANT  
12:04PM 24 HAS TO PROVE THAT?

12:04PM 25 PROSPECTIVE JUROR: YES.

12:04PM 1 THE COURT: HAS TO PROVE HIS INNOCENCE TO YOU?

12:04PM 2 PROSPECTIVE JUROR: YES.

12:04PM 3 THE COURT: OKAY. YOU HEARD ME TALK ABOUT THE

12:04PM 4 PRESUMPTION OF INNOCENCE?

12:04PM 5 PROSPECTIVE JUROR: I HAVE. I'M SORRY.

12:04PM 6 THE COURT: YOU KNOW WHAT? LET ME INTERRUPT YOU AND

12:04PM 7 SAY, DON'T INTERRUPT ME.

12:04PM 8 I WANT YOU TO UNDERSTAND THE FULL QUESTION SO WE ALL CAN

12:04PM 9 CAPTURE YOUR FULL ANSWER. ALL RIGHT, SIR?

12:04PM 10 PROSPECTIVE JUROR: OKAY.

12:04PM 11 THE COURT: SO YOU HEARD ME TALK ABOUT THE

12:04PM 12 PRESUMPTION OF INNOCENCE.

12:04PM 13 PROSPECTIVE JUROR: YES.

12:04PM 14 THE COURT: YOU HEARD THAT THIS MORNING?

12:04PM 15 PROSPECTIVE JUROR: YES, I HAVE.

12:04PM 16 THE COURT: OKAY. AND WHAT YOU'RE TELLING ME IS A

12:04PM 17 LITTLE CONTRARY TO THAT; IS THAT RIGHT?

12:04PM 18 PROSPECTIVE JUROR: YES. LIKE I SAID, I HAVE TO

12:04PM 19 HEAR THE EVIDENCE, YOU'RE ABSOLUTELY CORRECT.

12:05PM 20 THE COURT: AND I'M NOT ASKING YOU TO -- THIS IS NOT

12:05PM 21 A TEST, AND THERE'S NO -- YOU DON'T GET AN A, OR A B, OR A C.

12:05PM 22 I'M JUST TRYING TO PROBE YOUR UNDERSTANDING OF THAT

12:05PM 23 CONCEPT FOR THE PURPOSE OF SEEING WHETHER YOU WOULD BE AN

12:05PM 24 APPROPRIATE JUROR IN THIS CASE.

12:05PM 25 PROSPECTIVE JUROR: YES.

12:05PM 1 THE COURT: AND THE PRIMARY CONCEPT THAT WE'RE  
12:05PM 2 TALKING ABOUT IS THE PRESUMPTION OF INNOCENCE, WHICH MEANS THAT  
12:05PM 3 THE GOVERNMENT HAS TO PROVE GUILT.

12:05PM 4 THE DEFENDANT DOES NOT HAVE TO PROVE INNOCENCE.  
12:05PM 5 DO YOU UNDERSTAND THAT CONCEPT?

12:05PM 6 PROSPECTIVE JUROR: I DO UNDERSTAND THAT CONCEPT.

12:05PM 7 THE COURT: OKAY. BUT NOTWITHSTANDING THAT, AM I  
12:05PM 8 RIGHT IN HEARING YOU SAY THAT, WELL, GEE, JUDGE, BASED ON WHAT  
12:05PM 9 I KNOW ABOUT THE CASE AND WHAT I'VE READ AND WHAT I'VE TALKED  
12:05PM 10 TO WITH MY FRIENDS, NOTWITHSTANDING THAT, I STILL THINK THAT  
12:05PM 11 I'M GOING TO REQUIRE MR. BALWANI TO PROVE HIS INNOCENCE TO ME.

12:05PM 12 IS THAT, IS THAT HOW YOU FEEL? I'M NOT BEING CRITICAL OF  
12:05PM 13 YOU, I'M JUST --

12:05PM 14 PROSPECTIVE JUROR: AND THAT'S EXACTLY WHAT I'M  
12:05PM 15 SAYING.

12:05PM 16 THE COURT: NO. NO. THANK YOU. I'M NOT WAGGING MY  
12:06PM 17 FINGER AT ALL. NOT AT ALL.

12:06PM 18 REALLY, THIS IS A PROCESS TO FIND OUT HOW YOU REALLY FEEL  
12:06PM 19 AND WHAT YOUR MINDSET IS. THESE LAWYERS WANT TO KNOW THAT, YOU  
12:06PM 20 KNOW, AND I WANT TO KNOW THAT TO SEE IF THIS IS THE RIGHT CASE  
12:06PM 21 FOR YOU.

12:06PM 22 PROSPECTIVE JUROR: NO, ABSOLUTELY.

12:06PM 23 THE COURT: RIGHT. I APPRECIATE YOUR CANDOR.

12:06PM 24 AND IT'S SOMETIMES DIFFICULT -- YOU PROBABLY NEVER TALKED  
12:06PM 25 TO A JUDGE BEFORE I THINK; IS THAT FAIR?

12:06PM 1 PROSPECTIVE JUROR: I'VE TALKED TO JUDGES.

12:06PM 2 THE COURT: OH, ALL RIGHT. BECAUSE SOMETIMES PEOPLE  
12:06PM 3 ARE AFRAID TO TALK WITH JUDGES, THEY DON'T WANT TO SAY THE  
12:06PM 4 WRONG THING, OH, MY GOSH. THAT'S NOT THE CASE HERE. WE WANT  
12:06PM 5 YOU TO BE OPEN AND FRANK.

12:06PM 6 PROSPECTIVE JUROR: I'M TRYING TO BE.

12:06PM 7 THE COURT: AND YOU ARE. I APPRECIATE THAT.

12:06PM 8 MR. SCHENK, DO YOU HAVE ANY QUESTIONS FOR JUROR 236?

12:06PM 9 MR. SCHENK: NO, YOUR HONOR. THANK YOU.

12:06PM 10 THE COURT: ANY QUESTIONS, MR. COOPERSMITH? NO?

12:06PM 11 MR. COOPERSMITH: IS IT NECESSARY FOR ME TO ASK  
12:06PM 12 QUESTIONS, YOUR HONOR?

12:06PM 13 THE COURT: I CAN'T SEE ANY QUESTIONS YOU WOULD WANT  
12:06PM 14 TO ASK, BUT I DON'T WANT TO GET IN THE WAY OF THE DEFENSE. I'M  
12:06PM 15 NOT GOING TO TELL THE DEFENSE WHAT TO DO OF COURSE.

12:07PM 16 MR. COOPERSMITH: YOUR HONOR, I THINK THE COURT'S  
12:07PM 17 QUESTIONS SUFFICIENTLY FLESHED OUT THE JUROR'S --

12:07PM 18 THE COURT: THANK YOU VERY MUCH, SIR. THANK YOU.  
12:07PM 19 YOU CAN JUST LEAVE THE MICROPHONE THERE AND YOU CAN GO BACK  
12:07PM 20 DOWNSTAIRS NOW. THANK YOU.

12:07PM 21 PROSPECTIVE JUROR: ALL RIGHT.

12:07PM 22 (PROSPECTIVE JUROR 236 IS NOT PRESENT.)

12:07PM 23 THE COURT: ALL RIGHT. THANK YOU. THE RECORD  
12:07PM 24 SHOULD REFLECT THAT 236 HAS LEFT THE COURTROOM. ALL COUNSEL  
12:07PM 25 AND MR. BALWANI REMAIN.



12:07PM 1 MR. SCHENK, ANY COMMENT?

12:07PM 2 MR. SCHENK: YOUR HONOR, NO OBJECTION TO EXCUSING  
12:07PM 3 236 FOR CAUSE.

12:07PM 4 MR. COOPERSMITH: AGREED, YOUR HONOR.

12:07PM 5 THE COURT: ALL RIGHT. THANK YOU.

12:07PM 6 I WILL EXCUSE 236 FOR CAUSE, BUT WE WON'T LET HIM KNOW  
12:07PM 7 THAT YET, BUT HE WILL BE EXCUSED FROM THE PANEL FOR CAUSE BASED  
12:07PM 8 ON HIS RESPONSES TO THE QUESTION.

12:07PM 9 SHOULD WE BRING UP OUR JURY THEN NOW AND ALLOW YOU TO  
12:08PM 10 BEGIN YOUR VOIR DIRE, AND THEN WE CAN MOVE INTO PRIVATE  
12:08PM 11 CONVERSATIONS AS NECESSARY? SHOULD WE DO THAT?

12:08PM 12 MR. SCHENK: YES, YOUR HONOR.

12:08PM 13 MR. COOPERSMITH: THAT SOUNDS GOOD, YOUR HONOR.

12:08PM 14 THE COURT: OKAY.

12:09PM 15 (PAUSE IN PROCEEDINGS.)

12:09PM 16 MR. SCHENK: YOUR HONOR, MAY I INQUIRE IF THE JURY  
12:09PM 17 FROM YESTERDAY HAS ALREADY BEEN CALLED IN? THE COURT MENTIONED  
12:09PM 18 THAT THEY MIGHT BE ABLE TO ARRIVE BY 1:00.

12:09PM 19 HAS THAT OCCURRED?

12:09PM 20 THE COURT: I JUST ASKED OUR COURTROOM DEPUTY. I  
12:10PM 21 DON'T THINK I'VE HEARD BACK IF THEY'RE HERE.

12:10PM 22 MR. SCHENK: IF MY MATH IS CORRECT, WE'RE ON THE  
12:10PM 23 EDGE OF WHETHER WE WILL GET A JURY WITH WHAT WE HAVE LEFT  
12:10PM 24 TODAY. I THINK WE CAN LOSE THREE MORE.

12:10PM 25 SO I MIGHT HAVE ASKED TOO LATE, BUT WE MAY NOT NEED TO

12:10PM 1 CALL IN THE JURY FROM YESTERDAY.

12:10PM 2 THE COURT: OKAY. WELL, LET'S SEE WHAT HAPPENS.

12:10PM 3 MR. SCHENK: THANK YOU.

12:10PM 4 THE COURT: THANK YOU.

12:10PM 5 (PAUSE IN PROCEEDINGS.)

12:11PM 6 THE COURT: COUNSEL, I'M INFORMED THAT SOME OF THE  
12:11PM 7 JURORS FROM YESTERDAY HAVE ARRIVED.

12:11PM 8 AND I BELIEVE I'M ACCURATE THAT YESTERDAY'S JURY PANEL  
12:12PM 9 WILL COMPOSE AT LEAST TEN OF THE SEATS. SO IF THOSE TEN ARE  
12:12PM 10 HERE, WE COULD AT LEAST SWEAR IN OUR 12 IF WE NEED TO AND GET  
12:12PM 11 THAT ACCOMPLISHED, AND THEN CONTINUE WORK ON THE ALTERNATES IF  
12:12PM 12 WE NEED TO.

12:14PM 13 (PAUSE IN PROCEEDINGS.)

12:14PM 14 (PROSPECTIVE JURY PANEL IN AT 12:14 P.M.)

12:15PM 15 THE COURT: ALL RIGHT. THANK YOU. PLEASE BE  
12:15PM 16 SEATED.

12:15PM 17 WE'RE BACK ON THE RECORD IN THE BALWANI MATTER. OUR  
12:15PM 18 PROSPECTIVE PANEL MEMBERS ARE PRESENT. ALL COUNSEL ARE  
12:15PM 19 PRESENT, AND THE DEFENDANT IS PRESENT.

12:15PM 20 LET ME TURN TO THE GOVERNMENT AND ASK IF THE GOVERNMENT  
12:15PM 21 HAS QUESTIONS.

12:15PM 22 MR. SCHENK: YES. THANK YOU, YOUR HONOR.

12:15PM 23 THE COURT: MR. SCHENK.

12:15PM 24 MR. SCHENK: MAY I, YOUR HONOR?

12:16PM 25 THE COURT: YES, PLEASE.

12:16PM 1 MR. SCHENK: YOU HEARD THIS MORNING MY NAME IS  
12:16PM 2 JEFF SCHENK, AND I REPRESENT THE UNITED STATES IN THIS MATTER.

12:16PM 3 I HAVE A COUPLE OF QUESTIONS FOR THE PANEL AS A WHOLE, AND  
12:16PM 4 THEN A FEW QUESTIONS FOR JUST A COUPLE OF INDIVIDUALS.

12:16PM 5 THE FIRST QUESTION FOR THE PANEL AS A WHOLE IS A FOLLOWUP  
12:16PM 6 TO A QUESTION THAT JUDGE DAVILA ASKED YOU THIS MORNING, AND IT  
12:16PM 7 WAS PART OF THE PROCESS OF BEING JURORS IN A TRIAL CAN FEEL  
12:16PM 8 LIKE YOU'RE BEING ASKED TO SIT IN JUDGMENT OF ANOTHER PERSON,  
12:16PM 9 THE ACTIONS TAKEN OR COMMITTED BY SOMEONE, AND FOR SOME PEOPLE  
12:16PM 10 THAT IS SOMETHING THAT THEY'RE COMFORTABLE DOING, AND FOR  
12:16PM 11 OTHERS THERE IS AN IMPEDIMENT OR AN OBSTACLE TO IT.

12:16PM 12 I'M JUST WONDERING WHETHER ANYBODY HAS MORE TO SAY ON THAT  
12:16PM 13 TOPIC. DOES ANYONE THINK THAT THE PROCESS OF SITTING IN  
12:16PM 14 JUDGMENT OF ANOTHER PERSON IS GOING TO BE PROBLEMATIC FOR THEM?

12:16PM 15 ANYONE?

12:16PM 16 OKAY. THIS MORNING JUDGE DAVILA ASKED YOU IF YOU HAD A  
12:17PM 17 VIEW ON LAW ENFORCEMENT WITNESSES, IF YOU WOULD GIVE THEM MORE  
12:17PM 18 OR LESS WEIGHT WHEN THEY TESTIFY.

12:17PM 19 I WANT TO ASK YOU A SIMILAR QUESTION ABOUT DOCTORS. IT'S  
12:17PM 20 POSSIBLE THAT YOU'LL HEAR FROM DOCTORS, MEDICAL DOCTORS DURING  
12:17PM 21 THE COURSE OF THE TRIAL, AND MANY PEOPLE HAVE HAD PRIOR  
12:17PM 22 EXPERIENCES WITH MEDICAL DOCTORS OR PEOPLE IN THE MEDICAL  
12:17PM 23 PROFESSION, AND I'M WONDERING IF ANYBODY, BASED ON THOSE PRIOR  
12:17PM 24 EXPERIENCES, WOULD HAVE ANY TROUBLE LISTENING TO THE TESTIMONY  
12:17PM 25 OF A PHYSICIAN, OF A MEDICAL DOCTOR, AND EVALUATING THAT

12:17PM 1 TESTIMONY FAIRLY?

12:17PM 2 DO YOU HAVE PRIOR EXPERIENCES WITH DOCTORS? YOU DON'T  
12:17PM 3 HAVE TO TELL US ABOUT THOSE SPECIFIC EXPERIENCES. I'M JUST  
12:17PM 4 WONDERING WHETHER ANYBODY HAS CONCERNS ABOUT THEIR ABILITY TO  
12:17PM 5 HEAR TESTIMONY FROM DOCTORS?

12:17PM 6 AS PART OF THE TRIAL, THE SEATED JURY IS GOING TO TAKE UP  
12:17PM 7 THE SEATS IN THE BOX HERE, AND THEN THE TWO SEATS ON EACH OF  
12:17PM 8 THE ENDS, AND THEN THE FIRST ROW IN THE GALLERY.

12:18PM 9 AND DURING THE COURSE OF THE TRIAL, THERE'S GOING TO BE A  
12:18PM 10 LOT OF EXHIBITS, DOCUMENTS. BUT INSTEAD OF HANDING YOU PAPER,  
12:18PM 11 THEY WILL APPEAR ON SCREENS. THEY WILL BE ON THE FIVE SMALLER  
12:18PM 12 SCREENS HERE IN THE FRONT, AND THEN ON THE T.V. SCREEN THAT IS  
12:18PM 13 UP ON THE WALL IN FRONT OF SOME OF YOU AND ON THE OTHER SIDE OF  
12:18PM 14 THE COURTROOM.

12:18PM 15 DOES ANYONE HAVE A CONCERN ABOUT THEIR ABILITY TO SEE THE  
12:18PM 16 SCREEN FROM THOSE -- THE SEATS THAT I'VE POINTED TO? IF,  
12:18PM 17 THROUGHOUT THE COURSE OF THE TRIAL, YOU'RE SHOWN EMAILS AND  
12:18PM 18 PORTIONS WILL BE ZOOMED IN, BUT DOES ANYBODY HAVE A CONCERN  
12:18PM 19 ABOUT THAT?

12:18PM 20 I SEE NO HANDS.

12:18PM 21 OKAY. YOU'VE HEARD DURING THIS MORNING'S SESSION THAT  
12:18PM 22 THIS TRIAL MAY GET OR HAS RECEIVED SOME MEDIA COVERAGE, AND  
12:18PM 23 PART OF YOUR OBLIGATION IS TO MAKE YOUR DECISION BASED ON WHAT  
12:18PM 24 YOU HEAR DURING THE TRIAL HERE IN THE COURTROOM AND NOT ON  
12:18PM 25 ANYTHING REPORTED IN THE NEWS.

12:18PM 1 AND FOR SOME PEOPLE, THAT PROCESS OF SORT OF DISENGAGING  
12:19PM 2 FROM THE NEWS IS GOING TO BE A CHALLENGE FROM TURNING OFF  
12:19PM 3 STORIES. I WANT TO GIVE OTHERS AN OPPORTUNITY TO RAISE THEIR  
12:19PM 4 HAND IF YOU HAVE A CONCERN ABOUT THAT, IF NEWS OR T.V. PROGRAMS  
12:19PM 5 ARE A PART OF YOUR LIFE AND YOU HAVE A CONCERN.

12:19PM 6 I SEE ONE HAND.

12:19PM 7 PROSPECTIVE JUROR: I'M JUROR 207.

12:19PM 8 I HAVE A QUESTION ABOUT ADVERTISEMENTS, BECAUSE SOMETIMES  
12:19PM 9 IT'S INEVITABLE AND I'M NOT SEARCHING FOR IT, BUT IF I JUST  
12:19PM 10 SKIP IT, IT'S NOT VIOLATING THE INSTRUCTION ABOUT RESEARCH; IS  
12:19PM 11 THAT CORRECT?

12:19PM 12 MR. SCHENK: A QUESTION ABOUT ADVERTISEMENT? MAYBE  
12:19PM 13 I'LL LET THE COURT --

12:19PM 14 THE COURT: THANK YOU.

12:19PM 15 THERE ARE TIMES WHEN WE ARE EXPOSED UNINTENTIONALLY TO  
12:19PM 16 NEWS AND ITEMS. THAT HAPPENS WHEN WE GO TO MARKET, WHEN WE DO  
12:19PM 17 COMMERCE, WE COME ACROSS NEWSPAPERS, WE HAVE OUR RADIO STATIONS  
12:19PM 18 ON AND ADVERTISEMENTS COME ON.

12:19PM 19 THE INSTRUCTION IS, AND YOU WILL BE INSTRUCTED, THAT  
12:20PM 20 YOU'RE NOT TO AFFIRMATIVELY DO ANY OF THOSE THINGS, SEEK OUT  
12:20PM 21 AND DO ANY AFFIRMATIVE RESEARCH ON YOUR OWN. DO NOT DRIVE BY  
12:20PM 22 LOCATIONS THAT YOU HEAR ABOUT, THOSE TYPES OF THINGS.

12:20PM 23 INADVERTENT EXPOSURE IS SOMETHING THAT I'M GOING TO ASK  
12:20PM 24 YOU, IF YOU'RE SEATED AS A JUROR HERE, TO TRY TO DO YOUR BEST  
12:20PM 25 TO AVOID.

12:20PM 1 AND YOU HEARD ME TALK ABOUT ELIMINATING THE NEWS FEEDS I  
12:20PM 2 THINK THEY'RE CALLED, NEWS FEEDS, AND APPS AND PUSHES AND THOSE  
12:20PM 3 TYPES OF THINGS FROM SUBSCRIPTIONS THAT YOU MAY HAVE. I WOULD  
12:20PM 4 ASK YOU TO STOP RECEIVING "THE NEW YORK TIMES," NPR, THOSE  
12:20PM 5 TYPES OF THINGS THAT POP UP ON YOUR PHONES OR YOUR DEVICES.

12:20PM 6 BUT IF YOU'RE EXPOSED TO SOMETHING THAT IS INADVERTENT,  
12:20PM 7 WHAT I WILL DO -- AND I WILL TELL YOU THIS IF YOU'RE SEATED AS  
12:20PM 8 A JUROR -- EVERY EVENING BEFORE YOU LEAVE, BEFORE WE END, I'M  
12:20PM 9 GOING TO INSTRUCT YOU AGAIN, I'M GOING TO ADVISE YOU OF THE  
12:20PM 10 ADMONISHMENT.

12:20PM 11 EVERY MORNING BEFORE WE START, I'M GOING TO ASK YOU IF YOU  
12:21PM 12 HAVE BEEN EXPOSED TO ANYTHING, AND THAT WOULD BE THE TIME THAT  
12:21PM 13 YOU WOULD INFORM THE COURT AND COUNSEL ABOUT ANY EXPOSURES, AND  
12:21PM 14 WE'LL TALK ABOUT THAT.

12:21PM 15 IF YOU SEE SOMETHING THAT FLASHES ON THE SCREEN, WE'VE  
12:21PM 16 HEARD ABOUT THAT HERE, I SAW AN ADVERTISEMENT FOR A HULU SHOW.  
12:21PM 17 THAT DOESN'T VIOLATE THE SPIRIT OF THE ORDER.

12:21PM 18 BUT I THINK IF YOU'RE WATCHING PROGRAMS -- AND WE KNOW  
12:21PM 19 WHAT TO EXPECT -- THERE IS SOME, THERE IS SOME EFFORT THAT IS  
12:21PM 20 GOING TO BE REQUIRED. YOU WILL HAVE TO -- IN THE SPIRIT OF  
12:21PM 21 FULL DISCLOSURE, YOU'RE GOING TO HAVE TO CHANGE YOUR HABITS IN  
12:21PM 22 SOME MANNER.

12:21PM 23 BUT INADVERTENT, INADVERTENT EXPOSURE, I DON'T THINK WE  
12:21PM 24 CAN POLICE THAT, UNLESS I PUT YOU IN THE HOTEL ACROSS THE  
12:21PM 25 STREET AND REMOVE THE TELEVISIONS FROM YOUR ROOMS. AND I

12:21PM 1 PROMISE YOU I'M NOT GOING TO DO THAT.

12:21PM 2 I HOPE THAT ANSWERS YOUR QUESTION.

12:21PM 3 PROSPECTIVE JUROR: THANK YOU, YOUR HONOR.

12:22PM 4 MR. SCHENK: THANK YOU.

12:22PM 5 ANY HANDS TO THAT QUESTION, THAT QUESTION ABOUT MEDIA

12:22PM 6 EXPOSURE?

12:22PM 7 PROSPECTIVE JUROR: WELL, YEAH. AS I MENTIONED --

12:22PM 8 MR. SCHENK: DO YOU MIND STARTING WITH YOUR JUROR

12:22PM 9 NUMBER?

12:22PM 10 PROSPECTIVE JUROR: 205.

12:22PM 11 SO AS I MENTIONED, I DID SEE A FEW THINGS RELATING TO IT,

12:22PM 12 AND IT COULD SKEW MY VIEW OF THE TRIAL.

12:22PM 13 MR. SCHENK: SO WE CAN TALK ABOUT --

12:22PM 14 PROSPECTIVE JUROR: PRECONCEIVED NOTIONS.

12:22PM 15 MR. SCHENK: I'M SORRY?

12:22PM 16 PROSPECTIVE JUROR: PRECONCEIVED NOTIONS.

12:22PM 17 MR. SCHENK: WE CAN TALK ABOUT THE THINGS THAT YOU

12:22PM 18 HAVE ALREADY SEEN. BUT HOW ABOUT GOING FORWARD? DO YOU THINK

12:22PM 19 THAT YOU WILL BE ABLE TO AVOID NEWS ON THE CASE GOING FORWARD

12:22PM 20 BY DISABLING NOTIFICATIONS ON YOUR PHONE OR CHANGING THE

12:22PM 21 CHANNEL OR THE TELEVISION?

12:22PM 22 PROSPECTIVE JUROR: I MEAN, YEAH, I CAN TRY.

12:22PM 23 OBVIOUSLY AT WORK I'M GOING TO SEE THINGS OF CLIENTS AND I'M

12:22PM 24 GOING TO SEE THINGS. SO, YEAH, I DO THE BEST I CAN.

12:22PM 25 MR. SCHENK: GREAT. THANK YOU.

12:23PM 1 ANY OTHER HANDS?

12:23PM 2 THANK YOU.

12:23PM 3 I HAVE A COUPLE OF INDIVIDUAL QUESTIONS. I'D LIKE TO  
12:23PM 4 START FIRST WITH JUROR 184.

12:23PM 5 PROSPECTIVE JUROR: I'M 196.

12:23PM 6 MR. SCHENK: BEHIND YOU IS 184.

12:23PM 7 PROSPECTIVE JUROR: OH, I'M SORRY.

12:23PM 8 MR. SCHENK: ON YOUR QUESTIONNAIRE, FOR ONE OF THE  
12:23PM 9 QUESTIONS IT ASKS IF YOU HAVE READ, HEARD ABOUT, WATCHED OR  
12:23PM 10 BEEN TOLD ABOUT, YOU CIRCLED A FEW PRIOR BOOKS, T.V. SHOWS,  
12:23PM 11 THINGS.

12:23PM 12 AND ONE OF THEM IS A BOOK CALLED "BAD BLOOD." AND THE  
12:23PM 13 QUESTION ASKS EITHER IF YOU HAVE HEARD ABOUT IT OR IF YOU'VE  
12:23PM 14 READ IT. AND I'M JUST WONDERING FOR CLARIFICATION.

12:23PM 15 PROSPECTIVE JUROR: I HAVE NOT READ THE BOOK.

12:23PM 16 MR. SCHENK: YOU HAVE NOT READ THE BOOK?

12:23PM 17 PROSPECTIVE JUROR: I HAVE NOT. I JUST SAW THE  
12:23PM 18 AUTHOR ON TELEVISION.

12:23PM 19 MR. SCHENK: OKAY. THANK YOU.

12:23PM 20 ANY OTHER JURORS HERE -- I DON'T THINK ANYBODY ELSE, BUT  
12:23PM 21 LET ME GIVE YOU AN OPPORTUNITY, ANYBODY ELSE READ THE BOOK  
12:24PM 22 CALLED "BAD BLOOD"?

12:24PM 23 THANK YOU.

12:24PM 24 210. IN YOUR CONVERSATION WITH JUDGE DAVILA THIS MORNING,  
12:24PM 25 YOU EXPRESSED SOME VIEWS ON THE CRIMINAL JUSTICE SYSTEM,



12:24PM 1 ESPECIALLY IN LIGHT OF PROTESTS WITHIN THE LAST YEAR. I JUST  
12:24PM 2 WANTED TO FOLLOW UP VERY BRIEFLY ON THAT.

12:24PM 3 IF YOU FIND THAT THIS CASE DEALS WITH DIFFERENT ISSUES  
12:24PM 4 THAN WHAT YOU MAY HAVE BEEN REFERRING TO, DO YOU THINK THAT --  
12:24PM 5 PROSPECTIVE JUROR: THIS CASE IS DIFFERENT THAN  
12:24PM 6 THAT.

12:24PM 7 MR. SCHENK: YOU SAID THIS CASE IS DIFFERENT THAN  
12:24PM 8 THAT?

12:24PM 9 PROSPECTIVE JUROR: YEAH.

12:24PM 10 MR. SCHENK: I'M JUST WONDERING IF THE GOVERNMENT  
12:24PM 11 WOULD BE AT ANY DISADVANTAGE IN THE CASE, OR BECAUSE IT'S  
12:24PM 12 DIFFERENT, YOU DON'T THINK THE GOVERNMENT WOULD.

12:24PM 13 PROSPECTIVE JUROR: I SAID IN THIS CASE I DON'T  
12:24PM 14 THINK THE GOVERNMENT WILL RECEIVE ANY DISADVANTAGE.

12:25PM 15 MR. SCHENK: THANK YOU.

12:25PM 16 I JUST WANT TO FOLLOW UP ON -- WE WERE TALKING ABOUT SOME  
12:25PM 17 CHILDCARE PICKUP ISSUES THAT A COUPLE OF JURORS RAISED.

12:25PM 18 I WANT TO FOLLOW UP ON TWO OF THEM. THE FIRST IS WITH  
12:25PM 19 196.

12:25PM 20 PROSPECTIVE JUROR: (NODS HEAD UP AND DOWN.)

12:25PM 21 MR. SCHENK: YOU DESCRIBED TO US THAT YOUR KIDS ARE  
12:25PM 22 ON ATHLETIC TEAMS AND THEY SORT OF NEED TO BE SHUFFLED FROM  
12:25PM 23 SCHOOL TO THE EVENTS AND THAT COULD BE A CHALLENGE.

12:25PM 24 I'M WONDERING IF THERE ARE ANY OTHER PEOPLE THAT CAN DO  
12:25PM 25 IT, OR IF REALLY THE FACT IS THAT THERE ISN'T, LIKE IF THEY'RE

12:25PM 1 ON A SCHOOL TEAM, DOES THE SCHOOL PROVIDE TRANSPORTATION?

12:25PM 2 PROSPECTIVE JUROR: THE SCHOOL DOESN'T PROVIDE --

12:25PM 3 THE SCHOOL DOESN'T PROVIDE TRANSPORTATION. BUT I COULD SEE IF

12:25PM 4 THERE'S AVAILABLE OTHER CARPOOL SERVICES FROM OTHER PARENTS AND

12:25PM 5 REQUEST TO SEE IF ANY OTHER PARENTS CAN HELP OUT.

12:25PM 6 MR. SCHENK: OKAY. SO THERE MIGHT BE AN OPPORTUNITY

12:26PM 7 FOR SOME OTHER PARENTS TO ASSIST WITH THAT?

12:26PM 8 PROSPECTIVE JUROR: POSSIBLY, YEAH.

12:26PM 9 MR. SCHENK: OKAY. THANK YOU.

12:26PM 10 AND THEN I THINK 209 -- YES. YOU DESCRIBED TO US

12:26PM 11 CHILDCARE DROP-OFF IN THE MORNING THAT YOU DO HERE IN SAN JOSE,

12:26PM 12 AND THEN ALSO PICKUP AT 2:30?

12:26PM 13 PROSPECTIVE JUROR: RIGHT.

12:26PM 14 MR. SCHENK: AND I THINK YOU TOLD US THAT YOUR WIFE

12:26PM 15 WORKS IN GILROY?

12:26PM 16 PROSPECTIVE JUROR: CORRECT.

12:26PM 17 MR. SCHENK: BUT SHE WILL BE OUT OF TOWN FOR A

12:26PM 18 COUPLE OF DAYS.

12:26PM 19 PROSPECTIVE JUROR: YES, STARTING TOMORROW SHE WILL

12:26PM 20 BE OUT OF TOWN.

12:26PM 21 MR. SCHENK: STARTING TOMORROW SHE WILL BE OUT OF

12:26PM 22 TOWN.

12:26PM 23 PROSPECTIVE JUROR: YES.

12:26PM 24 MR. SCHENK: SO FOR THE REST OF THIS WEEK, WE WILL

12:26PM 25 HAVE COURT TOMORROW AND FRIDAY.

12:26PM 1 DO YOU HAVE ANY OTHER OPPORTUNITIES FOR INDIVIDUALS TO  
12:26PM 2 PICK UP YOUR CHILDREN THOSE DAYS OTHER THAN YOUR WIFE WHEN  
12:26PM 3 SHE'S OUT OF TOWN?

12:26PM 4 I WILL HAND YOU THE MICROPHONE.

12:26PM 5 PROSPECTIVE JUROR: NO. ACTUALLY IT'S JUST ME AND  
12:26PM 6 MY WIFE. I DON'T HAVE ANY RELATIVES OVER HERE.

12:27PM 7 MR. SCHENK: THANK YOU, YOUR HONOR.

12:27PM 8 NO FURTHER QUESTIONS.

12:27PM 9 THE COURT: ALL RIGHT. THANK YOU.

12:27PM 10 MR. COOPERSMITH.

12:27PM 11 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

12:27PM 12 GOOD AFTERNOON EVERYONE. LIKE I SAID, I'M  
12:27PM 13 JEFF COOPERSMITH, AND I REPRESENT SUNNY BALWANI, WHO IS SEATED  
12:27PM 14 OVER THERE AT COUNSEL TABLE.

12:27PM 15 I KNOW THAT YOU DIDN'T HAVE A CHOICE, BUT THANK YOU ANYWAY  
12:27PM 16 FOR BEING HERE AND FOR YOUR TIME. I REALLY APPRECIATE IT, AND  
12:27PM 17 SO DOES MR. BALWANI.

12:27PM 18 BEFORE I GET STARTED ON SOME QUESTIONS FOR THE GROUP, AND  
12:27PM 19 THEN SOME INDIVIDUAL QUESTIONS, I JUST WANT TO SAY THERE ARE NO  
12:27PM 20 WRONG ANSWERS HERE. THE WHOLE POINT OF THIS IS NOT TO JUDGE  
12:27PM 21 ANYONE AS A PERSON OR WHETHER YOU'RE A FAIR PERSON OR NOT A  
12:27PM 22 FAIR PERSON. THAT'S NOT THE POINT.

12:27PM 23 THE POINT IS JUST TO DETERMINE HOW WE CAN GET THE MOST  
12:28PM 24 FAIR JURY TO BOTH SIDES IN THIS CASE, THE GOVERNMENT AND  
12:28PM 25 MR. BALWANI.

12:28PM 1 AND SO THAT'S THE NATURE OF THE QUESTIONS.

12:28PM 2 AND I KNOW A NUMBER OF YOU ALREADY SAID THAT YOU WOULD  
12:28PM 3 FEEL MORE COMFORTABLE HAVING A PRIVATE CONVERSATION, AND THAT'S  
12:28PM 4 FINE.

12:28PM 5 IF ANYONE ELSE FEELS THAT WAY WHEN I'M ASKING QUESTIONS,  
12:28PM 6 PLEASE SPEAK UP. I'M NOT TRYING TO EMBARRASS YOU OR GET OUT  
12:28PM 7 PERSONAL INFORMATION.

12:28PM 8 IF IT'S SOMETHING THAT IS PRIVATE, YOU KNOW, WE CAN DEAL  
12:28PM 9 WITH THAT SEPARATELY, AND WE'RE NOT TRYING TO CREATE ANY KIND  
12:28PM 10 OF EMBARRASSMENT FOR ANYONE IF THAT'S AN ISSUE.

12:28PM 11 OKAY. SO THANK YOU.

12:28PM 12 THE FIRST QUESTION I HAVE IS THIS CASE INVOLVES, AS  
12:28PM 13 JUDGE DAVILA TOLD YOU, AT THE CENTER OF IT IS BLOOD TESTING  
12:28PM 14 TECHNOLOGY AND BLOOD TESTING SERVICES.

12:28PM 15 AND EVEN THOUGH I THINK ALL OF THE LAWYERS HERE ON BOTH  
12:28PM 16 SIDES WILL TRY THE BEST WE CAN TO MAKE THE INFORMATION  
12:28PM 17 DIGESTIBLE AND UNDERSTANDABLE TO THE JURORS, I THINK THAT'S THE  
12:29PM 18 JOB OF LAWYERS, BUT NONETHELESS THERE MIGHT BE SOME TECHNICAL  
12:29PM 19 EVIDENCE, SOME DIFFICULT SCIENTIFIC LANGUAGE, SOME DENSE  
12:29PM 20 CONCEPTS.

12:29PM 21 AND MY FIRST QUESTION IS JUST, DOES ANYONE BELIEVE FOR ANY  
12:29PM 22 REASON, ANY REASON THAT THAT WOULD BE A DIFFICULT THING TO  
12:29PM 23 FOLLOW OVER THE COURSE OF SEVERAL MONTHS?

12:29PM 24 AND IF YOU COULD JUST RAISE YOUR HAND, I'LL HAND YOU A  
12:29PM 25 MICROPHONE.

12:29PM 1 AND AGAIN, IF ANYONE WANTS TO SPEAK IN PRIVATE, THAT'S  
12:29PM 2 FINE, TOO.

12:29PM 3 OKAY. I SEE NO HANDS. THANK YOU.

12:29PM 4 SECOND, I WANT TO ASK YOU ABOUT A PARTICULAR THING. I  
12:29PM 5 KNOW A NUMBER OF YOU HAVE SAID THAT YOU HAVE SEEN SOME REPORTS  
12:29PM 6 IN THE MEDIA OR HEARD THINGS, AND I WANT TO ASK YOU ABOUT TWO  
12:29PM 7 PARTICULAR THINGS JUST BY A SHOW OF HANDS.

12:29PM 8 THERE'S A PARTICULAR "TED TALK," AND YOU MAY HAVE SEEN  
12:29PM 9 WHEN YOU LOOKED AT THE QUESTIONNAIRE, THERE ARE PEOPLE WHO  
12:29PM 10 MIGHT BE WITNESSES LISTED IN THE CASE. ONE OF THOSE PEOPLE IS  
12:29PM 11 A WOMAN NAMED ERIKA CHEUNG, AND IF YOU COULD RAISE YOUR HAND IF  
12:29PM 12 YOU HAVE SEEN A "TED TALK" BY MS. CHEUNG, I WOULD APPRECIATE  
12:30PM 13 IT.

12:30PM 14 SO THAT'S JUROR 205.

12:30PM 15 ANY OTHER HANDS?

12:30PM 16 JUROR 209. THANK YOU.

12:30PM 17 ALL RIGHT. ANY OTHER HANDS?

12:30PM 18 THE SECOND ONE IS THIS RELATES TO A PODCAST BY  
12:30PM 19 TYLER SHULTZ. DOES ANYONE LISTEN TO MR. SHULTZ'S PODCAST?

12:30PM 20 209. THANK YOU.

12:30PM 21 ANYONE ELSE? THANK YOU.

12:30PM 22 ALL RIGHT. I KNOW SOME OF YOU HAVE ALREADY MENTIONED  
12:30PM 23 THIS, BUT MY NEXT QUESTION IS, PLEASE RAISE YOUR HAND IF YOU  
12:30PM 24 ARE AWARE OF THE OUTCOME OF THE CASE OF ELIZABETH HOLMES.  
12:30PM 25 PLEASE DON'T TELL US WHAT YOU KNOW ABOUT THAT, BUT RIGHT NOW

12:30PM 1 IT'S JUST A QUESTION OF IF YOU KNOW ABOUT THE OUTCOME.

12:31PM 2 SO LET'S GO DOWN THE LIST. JUROR 205, JUROR 202, 191,

12:31PM 3 184, 196, 209, 210, AND THAT'S JUROR 225.

12:31PM 4 ANYBODY ELSE? HAVE I MISSED ANYBODY?

12:31PM 5 OKAY. THANK YOU.

12:31PM 6 OKAY. THE NEXT QUESTION, IT'S GOING TO BE THE CASE

12:31PM 7 THROUGHOUT THE TRIAL THAT YOU'LL HEAR THAT MR. BALWANI WAS THE

12:31PM 8 CHIEF OPERATING OFFICER AND PRESIDENT OF THERANOS, AND THAT

12:31PM 9 MS. HOLMES WAS THE CHIEF EXECUTIVE OFFICER OF THERANOS.

12:31PM 10 AND YOU'LL ALSO HEAR, I BELIEVE, DURING THE COURSE OF THE

12:31PM 11 TRIAL THAT MR. BALWANI AND MS. HOLMES HAD A ROMANTIC

12:31PM 12 RELATIONSHIP AT TIMES IN ADDITION.

12:31PM 13 PLEASE RAISE YOUR HAND IF YOU WERE AWARE OF THAT BEFORE I

12:32PM 14 JUST TOLD YOU THAT, FROM THE MEDIA OR WHEREVER IT WAS.

12:32PM 15 OKAY. SO JUROR NUMBER 205, 202, 191, IS THAT 185?

12:32PM 16 PROSPECTIVE JUROR: UH-HUH.

12:32PM 17 MR. COOPERSMITH: 196, 184, 207, 209, 210. YOU'RE

12:32PM 18 JUROR NUMBER --

12:32PM 19 PROSPECTIVE JUROR: 216.

12:32PM 20 MR. COOPERSMITH: -- 216. THANK YOU.

12:32PM 21 PROSPECTIVE JUROR: 221.

12:32PM 22 MR. COOPERSMITH: ANYONE ELSE?

12:32PM 23 OKAY. THANK YOU.

12:32PM 24 FOR THE JURORS WHO RAISED THEIR HANDS FOR THE QUESTION

12:32PM 25 THAT I JUST ASKED, PLEASE LET ME KNOW JUST BY, FOR NOW, A SHOW

12:32PM 1 OF HANDS WHETHER BASED ON HEARING ABOUT THE ROMANTIC  
12:32PM 2 RELATIONSHIP OR KNOWING ABOUT THAT, YOU DEVELOPED ANY  
12:32PM 3 PARTICULAR VIEWS ABOUT THE CIRCUMSTANCES OF THE THERANOS CASE  
12:32PM 4 AND MR. BALWANI IN PARTICULAR?

12:32PM 5 THANK YOU.

12:32PM 6 196, 210.

12:33PM 7 ANYONE ELSE? OKAY. THANK YOU.

12:33PM 8 NOW, I JUST WANT TO CONFIRM SOMETHING. DURING THE  
12:33PM 9 QUESTIONING THAT JUDGE DAVILA CONDUCTED EARLIER, A NUMBER OF  
12:33PM 10 YOU RESPONDED THAT YOU WOULD FEEL COMFORTABLE HAVING A PRIVATE  
12:33PM 11 CONVERSATION WITH THE LAWYERS AND THE JUDGE, WHICH IS FINE.

12:33PM 12 I JUST WANTED TO CONFIRM THE NUMBERS THAT I HAD AND SEE IF  
12:33PM 13 THERE'S ANYONE ELSE.

12:33PM 14 SO MY UNDERSTANDING IS JUROR 191, YOU REQUESTED THAT; IS  
12:33PM 15 THAT CORRECT?

12:33PM 16 PROSPECTIVE JUROR: CORRECT. I DON'T RECALL THE  
12:33PM 17 QUESTION THOUGH OR --

12:33PM 18 MR. COOPERSMITH: BUT THERE WAS SOME PARTICULAR  
12:33PM 19 ISSUE THAT YOU WANTED TO HAVE A PRIVATE CONVERSATION ABOUT?

12:33PM 20 PROSPECTIVE JUROR: RIGHT.

12:33PM 21 MR. COOPERSMITH: OKAY. THANK YOU.

12:33PM 22 WHO ELSE RAISED THEIR HAND? I'M SORRY.

12:33PM 23 JUROR 195, YES.

12:33PM 24 I'LL HAND YOU THE MICROPHONE.

12:34PM 25 PROSPECTIVE JUROR: YES, I BROUGHT UP THE HARDSHIP,

12:34PM 1 BUT NOTHING ABOUT THE QUESTIONS THAT WERE ASKED.

12:34PM 2 MR. COOPERSMITH: OKAY. THANK YOU.

12:34PM 3 IF YOU COULD PASS THE MIKE TO YOUR COLLEAGUE, JUROR NUMBER  
12:34PM 4 207.

12:34PM 5 PROSPECTIVE JUROR: IS THE QUESTION RIGHT NOW IS THE  
12:34PM 6 PRIVATE DISCUSSION ON THE QUESTION THAT YOU ALREADY ASKED OR  
12:34PM 7 JUST IN GENERAL?

12:34PM 8 MR. COOPERSMITH: JUST IN GENERAL.

12:34PM 9 PROSPECTIVE JUROR: I WANTED TO DISCUSS SOMETHING.  
12:34PM 10 207.

12:34PM 11 MR. COOPERSMITH: OKAY. THANK YOU.

12:34PM 12 OKAY. ANYONE ELSE?

12:34PM 13 JUROR NUMBER 196. THANK YOU.

12:34PM 14 PROSPECTIVE JUROR: YEAH, I THINK I HAD BRIEFLY  
12:34PM 15 MENTIONED I WOULDN'T MIND IF I HAVE A CONVERSATION ABOUT THE  
12:34PM 16 VIEWS THAT I HAVE ALREADY BASED ON MY EXPOSURE AND MY CONCERN  
12:34PM 17 ABOUT HOW THAT MIGHT INFLUENCE THE PROCEEDINGS.

12:34PM 18 MR. COOPERSMITH: OKAY. I UNDERSTAND. THANK YOU.

12:35PM 19 JUROR 210.

12:35PM 20 PROSPECTIVE JUROR: I DON'T MIND HAVING A  
12:35PM 21 CONVERSATION ABOUT THE ABUSE.

12:35PM 22 MR. COOPERSMITH: OKAY. THANK YOU, SIR.

12:35PM 23 ANYONE ELSE? AND THERE'S OBVIOUSLY NOTHING WRONG WITH  
12:35PM 24 THAT. SOMETIMES THAT'S NECESSARY.

12:35PM 25 ANYONE ELSE NEED TO HAVE A PRIVATE CONVERSATION?



12:35PM 1 YES, SIR. ARE YOU JUROR NUMBER 198?

12:35PM 2 PROSPECTIVE JUROR: YEAH.

12:35PM 3 SO IT'S NOT ABOUT ANY QUESTIONS WE DISCUSSED, IT'S MORE OF  
12:35PM 4 A PERSONAL CONCERN ABOUT SOMETHING ABOUT MY WORK THAT I WANT TO  
12:35PM 5 ASK IN PRIVATE.

12:35PM 6 MR. COOPERSMITH: OKAY. THANK YOU.

12:35PM 7 OKAY. ANYONE ELSE? I THINK WE GOT EVERYONE, BUT IF  
12:36PM 8 THERE'S ANYONE I MISSED, PLEASE LET ME KNOW.

12:36PM 9 OKAY. I SEE NO OTHER HANDS.

12:36PM 10 THANK YOU.

12:36PM 11 I THINK THE LAST QUESTION FOR THE GROUP, I KNOW THAT  
12:36PM 12 JUDGE DAVILA ASKED YOU AND SOME PEOPLE HAVE ALREADY EXPRESSED  
12:36PM 13 AN ISSUE WHERE YOU WOULD HAVE TROUBLE SERVING ON A JURY BECAUSE  
12:36PM 14 OF A HARDSHIP, WHETHER THAT'S BECAUSE OF YOUR WORK  
12:36PM 15 RESPONSIBILITIES OR YOUR FAMILY RESPONSIBILITIES OR OTHER  
12:36PM 16 THINGS.

12:36PM 17 AND IF YOU HAVE ALREADY SAID THAT, YOU DON'T NEED TO  
12:36PM 18 REPEAT YOURSELF.

12:36PM 19 BUT I WAS JUST WONDERING IF THERE WAS ANYONE ELSE IN THE  
12:36PM 20 GROUP WHO HAS NOT YET MENTIONED SOMETHING THAT WOULD BE AN  
12:36PM 21 ISSUE FOR SERVING ON THE JURY.

12:36PM 22 OKAY. THANK YOU.

12:36PM 23 I SEE NO HANDS.

12:36PM 24 OKAY. NOW I HAVE A FEW QUESTIONS FOR JUST INDIVIDUAL  
12:36PM 25 JURORS, AND I'D LIKE TO START WITH JUROR NUMBER 184.

12:37PM 1 JUROR NUMBER 184, AGAIN, AS JUDGE DAVILA SAID, I KNOW YOU  
12:37PM 2 HAVE A NAME AND I'M JUST USING THE PROTOCOL WITH JUROR NUMBERS,  
12:37PM 3 SO MY APOLOGIES FOR THAT.

12:37PM 4 SIR, I THINK YOU SAID YOU'RE AN ATTORNEY?

12:37PM 5 PROSPECTIVE JUROR: CORRECT.

12:37PM 6 MR. COOPERSMITH: AND READING YOUR QUESTIONNAIRE, IT  
12:37PM 7 LOOKED LIKE YOU HAD SOME KNOWLEDGE OF SOME MEDIA REPORTS ABOUT  
12:37PM 8 THIS CASE.

12:37PM 9 PROSPECTIVE JUROR: YES.

12:37PM 10 MR. COOPERSMITH: OKAY. AND YOU ANSWERED, IN  
12:37PM 11 RESPONSE TO MR. SCHENK'S QUESTION THAT YOU HAD NOT READ THE  
12:37PM 12 BOOK "BAD BLOOD." IS THAT CORRECT?

12:37PM 13 PROSPECTIVE JUROR: CORRECT.

12:37PM 14 MR. COOPERSMITH: AND I THINK YOU SAID YOU SAW THE  
12:37PM 15 AUTHOR OF THE BOOK ON T.V.; IS THAT CORRECT?

12:37PM 16 PROSPECTIVE JUROR: CORRECT.

12:37PM 17 MR. COOPERSMITH: AND CAN YOU TELL US, WHAT WAS THE  
12:37PM 18 CONTEXT THAT YOU SAW THE AUTHOR ON T.V.? WHAT T.V. SHOW WAS  
12:37PM 19 IT, IF YOU CAN REMEMBER?

12:37PM 20 PROSPECTIVE JUROR: MY RECOLLECTION IS THAT HE WAS  
12:37PM 21 IN ONE OF THE DOCUMENTARIES THAT I CIRCLED, AND JUST THE FACT  
12:38PM 22 THAT HE WAS THE AUTHOR OF THE BOOK, AND I BELIEVE HE WROTE A  
12:38PM 23 STORY IN THE NEWSPAPER THAT FIRST BROUGHT ATTENTION TO THE  
12:38PM 24 COMPANY.

12:38PM 25 MR. COOPERSMITH: OKAY. WAS THAT A DOCUMENTARY

12:38PM 1 CALLED "THE INVENTOR"?

12:38PM 2 PROSPECTIVE JUROR: I DON'T RECALL THE NAME, BUT I  
12:38PM 3 REMEMBER WATCHING AN HBO DOCUMENTARY.

12:38PM 4 MR. COOPERSMITH: OKAY. SO YOU REMEMBER IT WAS ON  
12:38PM 5 HBO?

12:38PM 6 PROSPECTIVE JUROR: I BELIEVE SO.

12:38PM 7 MR. COOPERSMITH: OKAY. AND DID YOU ALSO SEE A  
12:38PM 8 REPORT ABOUT IT ON "60 MINUTES"?

12:38PM 9 PROSPECTIVE JUROR: I BELIEVE I WATCHED A REPORT ON  
12:38PM 10 "60 MINUTES," YES.

12:38PM 11 MR. COOPERSMITH: OKAY. SO BASED ON WATCHING THOSE  
12:38PM 12 SHOWS, DID YOU FORM ANY VIEWS ABOUT WHETHER THERANOS DID THE  
12:38PM 13 RIGHT THING OR THE WRONG THING, OR MR. BALWANI IN PARTICULAR OR  
12:38PM 14 MS. HOLMES DID THE RIGHT THING OR THE WRONG THING?

12:38PM 15 PROSPECTIVE JUROR: I DON'T THINK I CAN SAY THAT  
12:39PM 16 THERE WAS A MATTER OF RIGHT OR WRONG.

12:39PM 17 LIKE, I DON'T THINK I FORMED AN OPINION ABOUT WHETHER THEY  
12:39PM 18 WERE RIGHT OR WRONG.

12:39PM 19 MR. COOPERSMITH: OKAY. AND AGAIN, I KNOW YOU'RE AN  
12:39PM 20 ATTORNEY SO YOU MIGHT HAVE SOME EXPERIENCE WITH THIS TYPE OF  
12:39PM 21 THING, BUT I'M WONDERING, DO YOU THINK THAT OR DO YOU  
12:39PM 22 UNDERSTAND THAT THE MEDIA, ALTHOUGH SOMETIMES THEY'RE TRYING TO  
12:39PM 23 REPORT WHAT ACTUALLY OCCURRED, EVENTS THAT GO ON IN PUBLIC,  
12:39PM 24 SOMETIMES THERE'S ALSO AN ENTERTAINMENT ASPECT OF WHAT THE  
12:39PM 25 MEDIA OR DOCUMENTARIES ON HBO MIGHT DO.

12:39PM 1 IS THAT FAIR?

12:39PM 2 PROSPECTIVE JUROR: YES, OF COURSE.

12:39PM 3 MR. COOPERSMITH: AND SO WHEN YOU WATCH SOMETHING ON  
12:39PM 4 HBO, IN THIS CASE IT HAPPENED TO BE ABOUT THERANOS, DO YOU TAKE  
12:39PM 5 THAT, YOU KNOW, WITH A GRAIN OF SALT SO TO SPEAK BECAUSE OF THE  
12:39PM 6 NEED FOR THE MEDIA TO SOMEHOW PROVIDE ENTERTAINMENT?

12:39PM 7 PROSPECTIVE JUROR: I UNDERSTAND THE NATURE OF THE  
12:39PM 8 MEDIA, AND THAT WOULD BE ONE PURPOSE OF THAT PROGRAM, YES.

12:40PM 9 MR. COOPERSMITH: AND DO YOU HAVE A VIEW ONE WAY OR  
12:40PM 10 ANOTHER WHETHER, WHEN THE MEDIA REPORTS ON A COMPANY LIKE  
12:40PM 11 THERANOS, THAT THEY HAVE ACCESS TO ALL OF THE FACTS ON BOTH  
12:40PM 12 SIDES IN THAT SORT OF SITUATION?

12:40PM 13 PROSPECTIVE JUROR: NOT NECESSARILY.

12:40PM 14 MR. COOPERSMITH: AND IN TERMS OF THE MEDIA REPORT  
12:40PM 15 AND WHAT THEY MIGHT HAVE ACCESS TO VERSUS A COURT OF LAW WHERE  
12:40PM 16 WITNESSES COME IN AND TESTIFY AND THERE'S RULES OF EVIDENCE,  
12:40PM 17 WHICH WOULD YOU SAY IS A SUPERIOR WAY TO FIGURE OUT WHAT  
12:40PM 18 HAPPENED OR DIDN'T HAPPEN?

12:40PM 19 PROSPECTIVE JUROR: THE COURT.

12:40PM 20 MR. COOPERSMITH: OKAY. OKAY. IF YOU COULD HAND  
12:40PM 21 THAT MICROPHONE TO JUROR NUMBER 185, THAT WOULD BE GREAT.  
12:40PM 22 THANK YOU.

12:40PM 23 SO I JUST WANTED TO EXPLORE THIS A LITTLE MORE, THE SAME  
12:40PM 24 SORT OF TOPIC, JUROR NUMBER 185. AND I THINK YOU ALSO SAW AN  
12:40PM 25 HBO DOCUMENTARY; IS THAT RIGHT?

12:40PM 1 PROSPECTIVE JUROR: I BELIEVE IT WAS AN HBO  
12:40PM 2 DOCUMENTARY.

12:40PM 3 MR. COOPERSMITH: OKAY. AND I THINK YOU SAID YOU  
12:40PM 4 WATCHED THE ENTIRE THING?

12:40PM 5 PROSPECTIVE JUROR: YES.

12:40PM 6 MR. COOPERSMITH: AND IF I HEARD YOU RIGHT, YOU SAID  
12:41PM 7 YOU UNDERSTOOD THE PREMISE OF IT AND THAT IT MIGHT IMPACT YOUR  
12:41PM 8 VIEWS; IS THAT FAIR?

12:41PM 9 PROSPECTIVE JUROR: YES. I THINK I FORMED SOME SORT  
12:41PM 10 OF OPINION OF THE SITUATION BY THE END OF THE DOCUMENTARY.

12:41PM 11 MR. COOPERSMITH: AND DO YOU STILL HOLD THAT OPINION  
12:41PM 12 TODAY?

12:41PM 13 PROSPECTIVE JUROR: TO BE HONEST, I DON'T REMEMBER A  
12:41PM 14 LOT OF THE DETAILS AT THIS POINT. BUT I DON'T THINK MY OPINION  
12:41PM 15 HAS BEEN SWAYED ANY OTHER WAYS SINCE THEN.

12:41PM 16 MR. COOPERSMITH: OKAY. AND IS YOUR OPINION ABOUT  
12:41PM 17 THERANOS, WE'LL JUST USE THAT COMPANY, IS THAT GENERALLY  
12:41PM 18 POSITIVE OR NEGATIVE?

12:41PM 19 PROSPECTIVE JUROR: NEGATIVE.

12:41PM 20 MR. COOPERSMITH: NEGATIVE. OKAY.

12:41PM 21 AND I KNOW THAT JUDGE DAVILA ASKED YOU A SERIES OF  
12:41PM 22 QUESTIONS, AND IT'S IMPORTANT, THOSE QUESTIONS, ABOUT PUTTING  
12:41PM 23 EVERYTHING ASIDE AND ONLY GOING BY THE EVIDENCE, AND WE JUST  
12:41PM 24 HEARD JUROR 184 TALK ABOUT THAT.

12:41PM 25 DO YOU BELIEVE THAT, GIVEN THE OPINION THAT YOU FORMED,

12:41PM 1 THAT -- AND WHAT WE JUST TALKED ABOUT, DO YOU THINK WE AS THE  
12:41PM 2 DEFENSE MIGHT BE STARTING A LITTLE BEHIND THE START LINE  
12:42PM 3 BECAUSE OF THE VIEWS THAT YOU HAVE?

12:42PM 4 PROSPECTIVE JUROR: I THINK THAT I WOULD TRY TO PUT  
12:42PM 5 ALL OF THE PAST VIEWS AND KNOWLEDGE BEHIND ME. IT'S MOSTLY  
12:42PM 6 FUZZY AT THIS POINT, AND I THINK I WOULD TRY TO JUST TAKE WHAT  
12:42PM 7 WAS IN THE COURT AS THE FINAL SAY.

12:42PM 8 MR. COOPERSMITH: AND I GUESS IF -- JUST TO BE  
12:42PM 9 CLEAR, I'M HOLDING MY HANDS OUT SORT OF LIKE EVEN SCALES,  
12:42PM 10 RIGHT? ARE WE SORT OF A LITTLE FURTHER DOWN OR FURTHER UP, OR  
12:42PM 11 HOWEVER YOU WANT TO PUT IT?

12:42PM 12 PROSPECTIVE JUROR: I THINK IT'S FAIR TO APPROACH  
12:42PM 13 FROM AN EVEN PLAYING FIELD IF THAT'S NOT MAYBE THE BIASES THAT  
12:42PM 14 YOU COME INTO IT WITH, I WOULD TRY TO MAKE THINGS AS EVEN AS  
12:42PM 15 POSSIBLE COMING INTO IT.

12:42PM 16 MR. COOPERSMITH: AND HOW SUCCESSFUL DO YOU  
12:42PM 17 ANTICIPATE YOU WOULD BE AT DOING THAT?

12:42PM 18 PROSPECTIVE JUROR: I THINK I'M PRETTY GOOD AT  
12:42PM 19 LOOKING AT INFORMATION AND TRYING TO WEIGH THAT FAIRLY.

12:42PM 20 MR. COOPERSMITH: OKAY. AND DO YOU HAVE EXPERIENCE  
12:42PM 21 DOING THAT IN OTHER PARTS OF YOUR LIFE?

12:42PM 22 PROSPECTIVE JUROR: NO.

12:42PM 23 MR. COOPERSMITH: SO IT'S SORT OF AN UNUSUAL THING;  
12:42PM 24 RIGHT?

12:42PM 25 PROSPECTIVE JUROR: YES.

12:43PM 1 MR. COOPERSMITH: OKAY. AND IF YOU HAVE ANY  
12:43PM 2 DOUBT -- AND THE REASON I'M ASKING IS NOT TO PICK ON YOU OR  
12:43PM 3 ANYTHING, BUT JUST TO SORT OF UNDERSTAND WHERE YOU'RE COMING  
12:43PM 4 FROM.

12:43PM 5 BECAUSE OBVIOUSLY FOR US, AND FOR THE COURT AND FOR THE  
12:43PM 6 GOVERNMENT, IT'S IMPORTANT THAT IT STARTS OUT ON A CLEAN SLATE,  
12:43PM 7 AND IT SOUNDS LIKE YOU UNDERSTAND THE IMPORTANCE OF THAT.

12:43PM 8 PROSPECTIVE JUROR: YES.

12:43PM 9 MR. COOPERSMITH: OKAY. THANK YOU.

12:43PM 10 IF YOU COULD HAND THE MICROPHONE OVER TO --

12:43PM 11 THE COURT: EXCUSE ME, MR. COOPERSMITH.

12:43PM 12 JUROR 184, DO YOU HAVE ANY DOUBT THAT YOU'LL BE ABLE TO  
12:43PM 13 SEPARATE WHAT -- I THINK YOU SAID IT WAS A LONG TIME AGO AND  
12:43PM 14 YOU DON'T REMEMBER DETAILS, BUT TO THE EXTENT OF THOSE DETAILS  
12:43PM 15 THAT YOU DO RECALL OR MIGHT RECALL, CAN YOU PUT THOSE ASIDE AND  
12:43PM 16 DECIDE THIS CASE JUST ON THE UNIVERSE OF EVIDENCE THAT YOU HEAR  
12:43PM 17 IN THIS COURTROOM?

12:43PM 18 PROSPECTIVE JUROR: I BELIEVE SO.

12:43PM 19 THE COURT: CAN YOU ASSURE MR. COOPERSMITH THAT  
12:43PM 20 YOU'LL DO THAT?

12:43PM 21 PROSPECTIVE JUROR: YES.

12:43PM 22 THE COURT: AND THE GOVERNMENT?

12:43PM 23 PROSPECTIVE JUROR: YES.

12:43PM 24 THE COURT: AND, FINALLY, THE COURT?

12:43PM 25 PROSPECTIVE JUROR: YES.

12:43PM 1 THE COURT: YOU CAN DO THAT. OKAY. THANK YOU.

12:43PM 2 PROSPECTIVE JUROR: UH-HUH.

12:43PM 3 THE COURT: I APPRECIATE IT.

12:43PM 4 THANK YOU, MR. COOPERSMITH.

12:43PM 5 MR. SCHENK: YOUR HONOR, I'M SORRY TO INTERRUPT.

12:44PM 6 JUST FOR CLARIFICATION, I THINK THE COURT SAID 184.

12:44PM 7 PROSPECTIVE JUROR: YES.

12:44PM 8 THE COURT: 185. EXCUSE ME.

12:44PM 9 MR. SCHENK: YES.

12:44PM 10 THE COURT: THANK YOU.

12:44PM 11 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

12:44PM 12 IF YOU COULD HAND TO YOUR COLLEAGUE TO YOUR LEFT, JUROR

12:44PM 13 NUMBER 187.

12:44PM 14 JUROR NUMBER 187, I'M NOT SURE I SAW YOUR HAND BEFORE, BUT

12:44PM 15 HAVE YOU WATCHED ANY MEDIA OR HEARD ANY REPORTS ABOUT THERANOS

12:44PM 16 OR ABOUT MR. BALWANI OR ELIZABETH HOLMES?

12:44PM 17 PROSPECTIVE JUROR: I DID. I SAW ON INSTAGRAM A

12:44PM 18 POST ABOUT THE SHOW ON HULU, AND THAT WAS JUST, LIKE, A FEW

12:44PM 19 DAYS BEFORE I CAME IN TO FILL OUT THE QUESTIONNAIRE.

12:44PM 20 MR. COOPERSMITH: OKAY. THANK YOU.

12:44PM 21 AND JUST -- I THINK YOU MAY HAVE ANSWERED THIS, BUT I WANT

12:44PM 22 TO MAKE SURE THAT I UNDERSTAND. OTHER THAN THE POST THAT WAS

12:44PM 23 ADVERTISING THIS HULU SHOW, ANYTHING ELSE THAT YOU'VE EVER

12:45PM 24 HEARD OR READ ABOUT THIS CASE OR WATCHED?

12:45PM 25 PROSPECTIVE JUROR: I SAW ON INSTAGRAM, THAT'S MY



12:45PM 1 BIG SOURCE OF INFORMATION, ON INSTAGRAM A COUPLE MONTHS AGO, I  
12:45PM 2 BELIEVE, JUST THE HEADLINES ABOUT THE TRIAL THAT STARTED BACK  
12:45PM 3 IN NOVEMBER, I BELIEVE, BUT THAT WAS ALL I READ.

12:45PM 4 MR. COOPERSMITH: OKAY. THANK YOU.

12:45PM 5 AND DID THE INSTAGRAM POST THAT YOU SAW TELL YOU ANYTHING  
12:45PM 6 ABOUT WHAT THE OUTCOME OF MS. HOLMES'S CASE WAS?

12:45PM 7 PROSPECTIVE JUROR: NO, IT DID NOT.

12:45PM 8 MR. COOPERSMITH: GOING TO YOUR QUESTIONNAIRE, JUROR  
12:45PM 9 NUMBER 187, YOU SAID THAT -- YOU CHECKED A BOX, I THINK, THAT  
12:45PM 10 YOU THOUGHT SOMEONE CHARGED WITH THE CRIME IS PROBABLY GUILTY,  
12:45PM 11 AND THAT I THINK YOU SAID THAT THEY'RE FUNDAMENTAL, SO THE  
12:45PM 12 PERSON HAS TO PROVE EVIDENCE TO PROVE HIS OR HER INNOCENCE.

12:46PM 13 AND I JUST WANT TO ASK YOU ABOUT THAT.

12:46PM 14 DO YOU BELIEVE THAT IT WOULD BE MR. BALWANI'S JOB, OR HIS  
12:46PM 15 LAWYER'S, AS THE DEFENDANT IN THIS CASE TO PUT IN EVIDENCE TO  
12:46PM 16 PROVE THAT HE IS INNOCENT? DO YOU BELIEVE THAT?

12:46PM 17 PROSPECTIVE JUROR: I DON'T KNOW AT THIS POINT. I  
12:46PM 18 DON'T RECALL WHAT WAS MY ANSWER LAST WEEK, BUT I KNOW THAT I  
12:46PM 19 THINK THE EVIDENCE WILL SPEAK FOR ITSELF.

12:46PM 20 MR. COOPERSMITH: OKAY. AND IN A SITUATION WHERE  
12:46PM 21 AFTER MONTHS OF TRIAL, LET'S JUST SAY -- WE DON'T KNOW WHICH  
12:46PM 22 WAY THIS WILL GO, BUT LET'S SAY THAT MR. BALWANI DECIDED NOT TO  
12:46PM 23 PRESENT ANY EVIDENCE AND ALL YOU HAVE IS THE GOVERNMENT'S  
12:46PM 24 EVIDENCE. DO YOU THINK THAT YOU COULD STILL REACH A VERDICT OF  
12:46PM 25 NOT GUILTY IF YOU FELT THAT THE GOVERNMENT'S EVIDENCE DID NOT

12:46PM 1 RISE TO THE LEVEL OF BEYOND A REASONABLE DOUBT?

12:46PM 2 PROSPECTIVE JUROR: I THINK SO.

12:46PM 3 MR. COOPERSMITH: OKAY.

12:46PM 4 PROSPECTIVE JUROR: YES.

12:46PM 5 MR. COOPERSMITH: SO YOU WOULDN'T -- JUST TO BE  
12:46PM 6 CLEAR, WOULD YOU EVER EXPECT THE DEFENSE TO PROVE THE INNOCENCE  
12:46PM 7 OF MR. BALWANI?

12:46PM 8 PROSPECTIVE JUROR: NO, BECAUSE AS IT IS, HE'S  
12:47PM 9 INNOCENT, RIGHT? NOTHING HAS BEEN PROVEN OTHERWISE.

12:47PM 10 MR. COOPERSMITH: AND YOU UNDERSTAND AS HE SITS HERE  
12:47PM 11 TODAY, HE'D PRESUMED INNOCENT AND HE'S PRESUMED INNOCENT UNTIL  
12:47PM 12 PROVEN OTHERWISE?

12:47PM 13 DO YOU UNDERSTAND THAT?

12:47PM 14 PROSPECTIVE JUROR: YES, I DO.

12:47PM 15 MR. COOPERSMITH: OKAY. IF YOU COULD HAND THE  
12:47PM 16 MICROPHONE TO JUROR 198. WRONG WAY. OKAY. THANK YOU.

12:47PM 17 AND I KNOW THAT YOU SAID THAT THERE WAS A PRIVATE MATTER  
12:47PM 18 THAT YOU WANTED TO DISCUSS, SO PUTTING THAT ASIDE.

12:47PM 19 IN YOUR RESPONSES TO THE QUESTIONNAIRE -- AND THANKS FOR  
12:47PM 20 FILLING THAT OUT, I KNOW IT IS A BIT INTRUSIVE, BUT IT'S  
12:47PM 21 HELPFUL.

12:47PM 22 AND ONE OF THE THINGS THAT YOU SAID WAS THAT YOU THOUGHT  
12:47PM 23 THAT A DEFENDANT TESTIFYING AT TRIAL WOULD BE THE FIRST STEP IN  
12:48PM 24 ASKING FOR FORGIVENESS.

12:48PM 25 DO YOU REMEMBER SAYING THAT?

12:48PM 1 PROSPECTIVE JUROR: YES, I DO.

12:48PM 2 MR. COOPERSMITH: AND WITHOUT TELLING US YOUR  
12:48PM 3 PARTICULAR VIEWS ABOUT MR. BALWANI, IF YOU HAVE ANY, CAN YOU  
12:48PM 4 TELL US WHAT YOU MEANT BY THAT?

12:48PM 5 PROSPECTIVE JUROR: SO, LIKE, WHEN A CHILD DOES  
12:48PM 6 SOMETHING WRONG, THE FIRST STEP FOR THEM FOR THEIR PARENTS TO  
12:48PM 7 FORGIVE THEM IS BY THEM SAYING OUT LOUD WHAT THEY DO WRONG,  
12:48PM 8 RIGHT. SO THAT'S KIND OF LIKE WHAT I HEAR.

12:48PM 9 MR. COOPERSMITH: SO IF A CHILD GETS CAUGHT WITH  
12:48PM 10 THEIR HAND IN THE COOKIE JAR, YOU MIGHT -- THE FIRST THING THE  
12:48PM 11 CHILD WANT TO DO IS TO CONFESS TO THEIR PARENTS THAT THEY HAD  
12:48PM 12 THEIR HAND IN THE COOKIE JAR?

12:48PM 13 PROSPECTIVE JUROR: YES.

12:48PM 14 MR. COOPERSMITH: WHAT IF THE CHILD NEVER PUT HIS  
12:48PM 15 HAND IN THE COOKIE JAR?

12:48PM 16 PROSPECTIVE JUROR: WELL, WHAT DO YOU MEAN BY THAT?

12:48PM 17 MR. COOPERSMITH: WELL, WHAT IF THE DEFENDANT DIDN'T  
12:48PM 18 DO ANY WRONG?

12:48PM 19 PROSPECTIVE JUROR: THEN THERE'S NOTHING TO TALK  
12:48PM 20 ABOUT.

12:48PM 21 MR. COOPERSMITH: THEN THERE WOULD BE NO REASON TO  
12:48PM 22 ASK FOR FORGIVENESS; IS THAT RIGHT?

12:48PM 23 PROSPECTIVE JUROR: YES.

12:48PM 24 MR. COOPERSMITH: IS YOUR POINT THAT IF A DEFENDANT  
12:48PM 25 DID SOMETHING WRONG, THEN HE OR SHE SHOULD TESTIFY IN ORDER TO

12:49PM 1 ASK FOR FORGIVENESS? IS THAT THE POINT YOU'RE MAKING?

12:49PM 2 PROSPECTIVE JUROR: YES. AND IF THEY'RE INNOCENT,  
12:49PM 3 THEN THERE'S NOTHING TO TESTIFY ABOUT.

12:49PM 4 MR. COOPERSMITH: AND HOW DO YOU DETERMINE WHETHER  
12:49PM 5 THE DEFENDANT HAS TO EXPLAIN HIMSELF OR NOT? HOW DO YOU  
12:49PM 6 DETERMINE WHETHER A DEFENDANT IS INNOCENT OR NOT?

12:49PM 7 PROSPECTIVE JUROR: I GUESS THERE'S NO WAY TO  
12:49PM 8 DETERMINE THAT. THE DEFENDANT HAS TO THINK THROUGH IT HIMSELF  
12:49PM 9 IF HE WANTED TO OR NOT.

12:49PM 10 MR. COOPERSMITH: I'M SORRY, I COULDN'T HEAR YOUR  
12:49PM 11 ANSWER.

12:49PM 12 THE COURT: COULD YOU SPEAK INTO THE MICROPHONE?

12:49PM 13 PROSPECTIVE JUROR: I DON'T THINK THERE'S ANY WAY  
12:49PM 14 TO, LIKE, DETERMINE THAT UNLESS, LIKE, HE FELT HE DID SOMETHING  
12:49PM 15 WRONG ACTUALLY THEN.

12:49PM 16 MR. COOPERSMITH: SO MY QUESTION TO YOU IS, DO YOU  
12:49PM 17 UNDERSTAND THAT THERE WOULD BE NO WAY TO DETERMINE WHETHER  
12:49PM 18 MR. BALWANI IS INNOCENT OR GUILTY UNTIL AFTER ALL OF THE  
12:49PM 19 EVIDENCE IN THE CASE IS PRESENTED AND ALL OF THE ARGUMENTS OF  
12:50PM 20 COUNSEL OCCUR AND THE JURY IS IN THE DELIBERATION ROOM  
12:50PM 21 DISCUSSING AND DEBATING THE EVIDENCE.

12:50PM 22 DO YOU UNDERSTAND THAT?

12:50PM 23 PROSPECTIVE JUROR: YES.

12:50PM 24 MR. COOPERSMITH: SO DO YOU STILL FEEL, EVEN AFTER I  
12:50PM 25 TOLD YOU THAT, THAT MR. BALWANI WOULD HAVE ANY OBLIGATION TO

12:50PM 1 TAKE THE WITNESS STAND IN HIS OWN DEFENSE TO EXPLAIN HIMSELF  
12:50PM 2 ABOUT ANYTHING?

12:50PM 3 PROSPECTIVE JUROR: NO.

12:50PM 4 MR. COOPERSMITH: OKAY. BECAUSE THE GOVERNMENT  
12:50PM 5 COULD JUST HAVE THIS COMPLETELY WRONG. THAT'S POSSIBLE; RIGHT?

12:50PM 6 PROSPECTIVE JUROR: YES.

12:50PM 7 MR. COOPERSMITH: OKAY.

12:50PM 8 THE COURT: HAVE YOU HAD PRIOR JURY SERVICE, SIR?

12:50PM 9 PROSPECTIVE JUROR: NO.

12:50PM 10 THE COURT: NO. THIS IS YOUR FIRST JURY?

12:50PM 11 PROSPECTIVE JUROR: YEAH, THIS IS MY FIRST ONE.

12:50PM 12 THE COURT: AND IS THIS THE FIRST TIME THAT YOU HAVE  
12:50PM 13 ACTUALLY HAD SOME DISCUSSION OR BEEN APPRISED OF THESE  
12:50PM 14 CONCEPTS, THE PRESUMPTION OF INNOCENCE? IS THIS THE FIRST TIME  
12:50PM 15 THAT YOU'VE HEARD OF THIS?

12:50PM 16 PROSPECTIVE JUROR: I THINK SO.

12:50PM 17 THE COURT: OKAY. AND I ASK THAT NOT TO SINGLE YOU  
12:50PM 18 OUT, BUT THIS IS SOMETHING THAT WE HAVE SEEN THIS MORNING AND  
12:51PM 19 WE SEE IT IN COURTS FREQUENTLY WHEN MEMBERS OF THE PUBLIC HAVE  
12:51PM 20 NOT HAD PRIOR EXPOSURE TO THE CRIMINAL JUSTICE SYSTEM AND THE  
12:51PM 21 CONCEPT OF PRESUMPTION OF INNOCENCE.

12:51PM 22 AND, MR. COOPERSMITH, I THINK, TOOK YOU THROUGH THAT,  
12:51PM 23 THROUGH HIS COOKIE ANALOGY, AND TRIED TO EXPLAIN THAT TO YOU.

12:51PM 24 DO YOU UNDERSTAND THAT CONCEPT? DO YOU THINK THAT YOU  
12:51PM 25 UNDERSTAND THAT?

12:51PM 1 PROSPECTIVE JUROR: YES.

12:51PM 2 THE COURT: OKAY. DO YOU HAVE ANY TROUBLE LOOKING

12:51PM 3 AT MR. BALWANI AND PRESUMING HIM INNOCENT RIGHT NOW?

12:51PM 4 PROSPECTIVE JUROR: NO.

12:51PM 5 THE COURT: NO. THAT'S THE LAW. YOU UNDERSTAND

12:51PM 6 THAT?

12:51PM 7 PROSPECTIVE JUROR: YES.

12:51PM 8 THE COURT: AND CAN YOU CONTINUE TO PRESUME HIM

12:51PM 9 INNOCENT THROUGH THIS TRIAL UNTIL AND UNLESS THE GOVERNMENT

12:51PM 10 PROVES HIM GUILTY BY PROOF BEYOND A REASONABLE DOUBT? CAN YOU

12:51PM 11 DO THAT?

12:51PM 12 PROSPECTIVE JUROR: I THINK SO.

12:51PM 13 THE COURT: OKAY. AND IF YOU WERE SELECTED AS A

12:51PM 14 JUROR IN THIS CASE, WOULD YOU DO THAT?

12:51PM 15 PROSPECTIVE JUROR: I WOULD.

12:51PM 16 THE COURT: OKAY. ALL RIGHT.

12:51PM 17 ANY DOUBT IN YOUR MIND ABOUT THAT?

12:51PM 18 PROSPECTIVE JUROR: NO.

12:51PM 19 THE COURT: OKAY. THANK YOU VERY MUCH.

12:51PM 20 THANK YOU, MR. COOPERSMITH.

12:52PM 21 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

12:52PM 22 OKAY. THIS NEXT QUESTION WAS FOR JUROR 205.

12:52PM 23 PROSPECTIVE JUROR: I KNEW THAT WAS COMING.

12:52PM 24 MR. COOPERSMITH: SO AGAIN, THANK YOU FOR YOUR

12:52PM 25 HONESTY AND FOR COMING HERE. I APPRECIATE IT.

12:52PM 1 AND IT SOUNDS LIKE YOU HAVE HAD A FAIR AMOUNT OF EXPOSURE  
12:52PM 2 TO THE CASE ALREADY.

12:52PM 3 IS THAT A FAIR STATEMENT?

12:52PM 4 PROSPECTIVE JUROR: UH-HUH.

12:52PM 5 MR. COOPERSMITH: OKAY. AND I THINK YOU SAID YOU  
12:52PM 6 SAW A "TED TALK."

12:52PM 7 PROSPECTIVE JUROR: YEAH.

12:52PM 8 MR. COOPERSMITH: AND I THINK YOU SAID YOU WATCHED  
12:52PM 9 TWO AND A HALF EPISODES OF THE HULU SERIES?

12:52PM 10 PROSPECTIVE JUROR: YEAH, ABOUT THAT.

12:52PM 11 MR. COOPERSMITH: AND YOU ALSO HEARD NEWS FROM THE  
12:52PM 12 RADIO AND INTERNET AND THINGS LIKE THAT?

12:52PM 13 PROSPECTIVE JUROR: YES. I REMEMBER PARTICULARLY  
12:52PM 14 ONE ABOUT COMPARING ELIZABETH TO STEVE JOBS. THAT'S HOW I  
12:53PM 15 FIRST, YOU KNOW, LINKED IT TOGETHER AND, OH, THAT'S HER.

12:53PM 16 MR. COOPERSMITH: AND THAT SEEMED INTERESTING TO  
12:53PM 17 YOU?

12:53PM 18 PROSPECTIVE JUROR: YES.

12:53PM 19 MR. COOPERSMITH: OKAY. OKAY.

12:53PM 20 AND IN ONE OF YOUR ANSWERS TO JUDGE DAVILA BEFORE, AND I  
12:53PM 21 MIGHT NOT BE GETTING YOUR EXACT WORDS RIGHT, BUT IT SEEMED LIKE  
12:53PM 22 YOU WERE SAYING THAT YOU MIGHT HAVE TROUBLE BEING IMPARTIAL IN  
12:53PM 23 THIS CASE.

12:53PM 24 PROSPECTIVE JUROR: YEAH.

12:53PM 25 MR. COOPERSMITH: OKAY. AGAIN, THERE'S NO WRONG

12:53PM 1 ANSWERS HERE, AND IT'S GOOD TO DISCUSS THAT HONESTLY BECAUSE  
12:53PM 2 SOME JUROR MIGHT BE A GOOD JUROR FOR A DIFFERENT CASE, BUT NOT  
12:53PM 3 THIS CASE. AND THAT'S WHAT WE'RE TRYING TO FLESH OUT, NOTHING  
12:53PM 4 ABOUT YOU PERSONALLY.

12:53PM 5 AND YOU HEARD JUDGE DAVILA AND ME AND MR. SCHENK TALK  
12:53PM 6 ABOUT THE CONCEPTS THAT ARE AT WORK IN A CRIMINAL TRIAL, THE  
12:53PM 7 PRESUMPTION OF INNOCENCE AND THE NEED TO BE IMPARTIAL AND THE  
12:53PM 8 NEED TO JUDGE BASED ON ALL OF THE EVIDENCE IN THE COURTROOM AND  
12:53PM 9 ALL OF THE OTHER THINGS. YOU'VE HEARD ALL OF THAT; RIGHT?

12:53PM 10 PROSPECTIVE JUROR: UH-HUH.

12:53PM 11 MR. COOPERSMITH: AND PUTTING THAT ALL ASIDE, YOU'RE  
12:53PM 12 ALSO A HUMAN BEING; RIGHT?

12:53PM 13 AND EVEN AFTER EVERYTHING YOU HAVE HEARD HERE, DO YOU  
12:54PM 14 STILL HAVE SOME DOUBT AS TO WHETHER YOU COULD BE FAIR AND  
12:54PM 15 IMPARTIAL IN THIS CASE?

12:54PM 16 PROSPECTIVE JUROR: YES.

12:54PM 17 MR. COOPERSMITH: OKAY. THANK YOU.

12:54PM 18 OKAY. JUROR NUMBER 209.

12:54PM 19 JUROR NUMBER 209, I KNOW THAT YOU'VE TOLD US A FEW THINGS  
12:54PM 20 ALREADY, AND I DON'T WANT TO MAKE YOU REPEAT YOURSELF.

12:54PM 21 BUT ONE THING I WANT TO ASK YOU ABOUT IS THAT IT SOUNDS  
12:54PM 22 LIKE YOU TOOK A PARTICULAR INTEREST IN THE THERANOS STORY.

12:54PM 23 IS THAT FAIR?

12:54PM 24 PROSPECTIVE JUROR: YES, THAT'S TRUE.

12:54PM 25 MR. COOPERSMITH: OKAY. AND THAT YOU DID SOME, YOU



12:54PM 1 KNOW, MAYBE EVEN A LOT OF GOOGLING TO UNDERSTAND MORE ABOUT THE  
12:55PM 2 CASE?

12:55PM 3 PROSPECTIVE JUROR: YES, CORRECT.

12:55PM 4 MR. COOPERSMITH: AND THAT IT SOUNDED LIKE FOR SOME  
12:55PM 5 PERIOD OF TIME YOU DID THIS ON A DAILY BASIS, EVERY DAY?

12:55PM 6 PROSPECTIVE JUROR: TECHNICALLY LIKE, YEAH, IT'S  
12:55PM 7 ALMOST LIKE EVERY TIME I SEE THE CASE ON ELIZABETH HOLMES AND  
12:55PM 8 THE TRIAL DAILY ON YAHOO OR SOMETHING, I READ ALMOST ALL OF  
12:55PM 9 THAT, TOO.

12:55PM 10 MR. COOPERSMITH: OKAY. SO YOU FOUND IT INTERESTING  
12:55PM 11 IT SOUNDS LIKE?

12:55PM 12 PROSPECTIVE JUROR: CORRECT.

12:55PM 13 AND NOT JUST ME. LIKE, MY DAUGHTER ON FRIDAY, LAST  
12:55PM 14 FRIDAY, THEY ALSO TALK ABOUT THAT IN THE SCHOOL.

12:55PM 15 MR. COOPERSMITH: OKAY. DID YOU HAVE DISCUSSIONS  
12:55PM 16 WITH YOUR FAMILY, INCLUDING YOUR DAUGHTER?

12:55PM 17 PROSPECTIVE JUROR: NO.

12:55PM 18 MR. COOPERSMITH: I'M SORRY?

12:55PM 19 PROSPECTIVE JUROR: NO.

12:55PM 20 MR. COOPERSMITH: BUT YOUR DAUGHTER TALKED ABOUT IT  
12:55PM 21 IN THE SCHOOL?

12:55PM 22 PROSPECTIVE JUROR: YES, IN THE SCHOOL.

12:55PM 23 MR. COOPERSMITH: OKAY. THANK YOU.

12:55PM 24 AND I THINK IN RESPONSE TO ONE OF JUDGE DAVILA'S QUESTIONS  
12:55PM 25 BEFORE, YOU SAID THAT -- I THINK YOU USED THE PHRASE "TO BE

12:55PM 1 HONEST," IT MIGHT AFFECT YOUR VIEWS AND YOUR ABILITY TO BE  
12:55PM 2 FAIR. IS THAT WHAT YOU SAID?

12:55PM 3 PROSPECTIVE JUROR: YES, THAT'S WHAT I THINK.

12:55PM 4 MR. COOPERSMITH: OKAY. AND I WANT TO ASK YOU THE  
12:56PM 5 SAME QUESTION THAT I JUST ASKED JUROR 205. GIVEN EVERYTHING  
12:56PM 6 THAT YOU HAVE HEARD ABOUT THE WAY A CRIMINAL TRIAL WORKS AND  
12:56PM 7 THE NEED TO BE OPEN-MINDED AND COME IN WITH A BLANK SLATE, BUT  
12:56PM 8 ALSO AGAIN ALSO UNDERSTANDING THAT YOU'RE A HUMAN BEING, DO YOU  
12:56PM 9 THINK YOU COULD BE FAIR AND IMPARTIAL IN THIS CASE?

12:56PM 10 PROSPECTIVE JUROR: YES, I DO. I WILL TRY MY BEST.

12:56PM 11 MR. COOPERSMITH: I'M SORRY?

12:56PM 12 PROSPECTIVE JUROR: I WILL TRY MY BEST.

12:56PM 13 MR. COOPERSMITH: DO YOU HAVE ANY DOUBT ABOUT THAT?

12:56PM 14 PROSPECTIVE JUROR: I'M NOT SURE. BUT, YEAH I THINK  
12:56PM 15 YEAH, I WILL, I WILL.

12:56PM 16 MR. COOPERSMITH: OKAY. AND JUST SO I UNDERSTAND,  
12:56PM 17 DO YOU HAVE ANY DOUBT ABOUT YOUR ABILITY TO PUT ASIDE  
12:56PM 18 EVERYTHING THAT YOU HAVE ALREADY LEARNED FROM FOLLOWING THIS  
12:56PM 19 CASE ON ALMOST A DAILY BASIS?

12:56PM 20 PROSPECTIVE JUROR: YES.

12:56PM 21 MR. COOPERSMITH: HOW WOULD YOU GO ABOUT DOING THAT?

12:56PM 22 PROSPECTIVE JUROR: BECAUSE I KNOW THE CASE ALREADY  
12:56PM 23 HAPPENED AND MANY THINGS ARE RELATED, AND SO I WOULD BY MYSELF  
12:56PM 24 SO --

12:56PM 25 MR. COOPERSMITH: OKAY. AND I WANT TO MAKE SURE

12:56PM 1 THAT WE -- YOU DON'T HAVE ANY HESITATION AT ALL. AND THE WAY I  
12:57PM 2 WANT TO ASK THIS IS THAT, SO, I KNOW THAT IN A GROUP SETTING  
12:57PM 3 LIKE THIS WHERE JUDGE DAVILA IS TELLING YOU WHAT THE RULES ARE  
12:57PM 4 AND WHAT THE LAW IS AND HE'S ABSOLUTELY CORRECT, AND SO IT'S  
12:57PM 5 SOMETIMES DIFFICULT TO RAISE YOUR HAND AND SAY, WELL, MAYBE I  
12:57PM 6 HAVE SOME DOUBT ABOUT BEING FAIR.

12:57PM 7 BUT THIS WOULD BE THE TIME TO DO IT BECAUSE IT'S A VERY  
12:57PM 8 IMPORTANT MATTER TO THE GOVERNMENT AND IT'S A VERY IMPORTANT  
12:57PM 9 MATTER TO MR. BALWANI, AND WE JUST WANT TO MAKE SURE THAT YOU  
12:57PM 10 DON'T HAVE ANY QUESTION IN YOUR MIND.

12:57PM 11 SO DO YOU THINK THAT YOU WOULD TAKE SOME OF THE THINGS  
12:57PM 12 THAT YOU ALREADY FORMED VIEWS ON OR OPINIONS INTO THIS CASE AND  
12:57PM 13 YOU HAVE SOME DOUBT? THIS WOULD BE A GOOD TIME TO TALK ABOUT  
12:57PM 14 THAT ISSUE.

12:57PM 15 PROSPECTIVE JUROR: SO ACTUALLY AFTER THIS QUESTION  
12:57PM 16 I CAN SAY, LIKE, OH, YEAH, I WILL TAKE EVERYTHING OUT AND CLEAR  
12:57PM 17 MY MIND FROM EVERYTHING.

12:57PM 18 MR. COOPERSMITH: AND DO YOU KNOW OF THE OUTCOME OF  
12:57PM 19 THE OTHER CASE, SIR? DO YOU KNOW WHAT HAPPENED TO MS. HOLMES?

12:58PM 20 PROSPECTIVE JUROR: YEAH.

12:58PM 21 MR. COOPERSMITH: OKAY. AND DO YOU KNOW ABOUT ANY  
12:58PM 22 OTHER ALLEGATIONS SHE MAY HAVE MADE ABOUT MR. BALWANI, WITHOUT  
12:58PM 23 TELLING US WHAT THEY ARE?

12:58PM 24 PROSPECTIVE JUROR: THEY SAID MAYBE THEY HAD SEX.

12:58PM 25 MR. COOPERSMITH: OKAY. THANK YOU, SIR. THANK YOU.

12:58PM 1 THE COURT: DID YOU SAY, SIR, THAT YOU WOULD TAKE  
12:58PM 2 EVERYTHING OUT AND CLEAR YOUR MIND?

12:58PM 3 PROSPECTIVE JUROR: YES, ABOUT THE -- I TRIED TO  
12:58PM 4 KEEP MR. BALWANI --

12:58PM 5 THE COURT: YOU WOULD KEEP MR. BALWANI'S CASE?

12:58PM 6 PROSPECTIVE JUROR: IN NOTION RIGHT NOW.

12:58PM 7 THE COURT: IN?

12:58PM 8 PROSPECTIVE JUROR: I WILL FOLLOW THE LAW, THE  
12:58PM 9 POLICY.

12:58PM 10 THE COURT: OKAY. AND YOU CAN DECIDE MR. BALWANI'S  
12:58PM 11 CASE SEPARATE FROM ANYTHING ELSE THAT YOU HAVE HEARD?

12:58PM 12 PROSPECTIVE JUROR: YES, I WILL.

12:58PM 13 THE COURT: OKAY. THANK YOU.

12:58PM 14 MR. COOPERSMITH: ONE OTHER QUESTION, JUROR 209.

12:59PM 15 EARLIER TODAY YOU SAID THAT YOU THOUGHT, TO BE HONEST, IT

12:59PM 16 MIGHT -- ALL OF THE THINGS THAT YOU KNOW ABOUT THIS CASE

12:59PM 17 ALREADY, OR YOU THINK YOU KNOW ABOUT THIS CASE FROM THE MEDIA,

12:59PM 18 YOU SAID YOU THOUGHT THAT MIGHT AFFECT YOUR JUDGMENT.

12:59PM 19 AND I WONDERED, BETWEEN THAT ANSWER EARLIER TODAY THIS  
12:59PM 20 MORNING AND NOW, WHAT CHANGED IN YOUR MIND, IF ANYTHING?

12:59PM 21 PROSPECTIVE JUROR: I CANNOT MENTION RIGHT NOW,  
12:59PM 22 RIGHT? MAYBE TOMORROW I CHANGE AGAIN. SO I AM HUMAN.

12:59PM 23 MR. COOPERSMITH: OKAY. SO YOU MIGHT END UP  
12:59PM 24 CHANGING YOUR MIND TOMORROW? THAT COULD HAPPEN?

12:59PM 25 PROSPECTIVE JUROR: YEAH, IT COULD HAPPEN.

12:59PM 1 MR. COOPERSMITH: OKAY. THANK YOU.

01:00PM 2 JUROR NUMBER 225, I THINK DIRECTLY BEHIND YOU.

01:00PM 3 THANK YOU. SO JUROR NUMBER 225, IT SOUNDS LIKE YOU WORK

01:00PM 4 FOR THE POLICE DEPARTMENT; IS THAT RIGHT?

01:00PM 5 PROSPECTIVE JUROR: CORRECT.

01:00PM 6 MR. COOPERSMITH: SANTA CLARA POLICE; IS THAT

01:00PM 7 CORRECT?

01:00PM 8 PROSPECTIVE JUROR: CORRECT.

01:00PM 9 MR. COOPERSMITH: AND YOU'RE NOT A SWORN OFFICER,

01:00PM 10 BUT YOU WORK IN THE RECORDS DEPARTMENT?

01:00PM 11 PROSPECTIVE JUROR: CORRECT.

01:00PM 12 MR. COOPERSMITH: OKAY. AND YOU HAVE A LOT OF

01:00PM 13 COLLEAGUES WHO ARE POLICE OFFICERS IT SOUNDS LIKE?

01:00PM 14 PROSPECTIVE JUROR: YES.

01:00PM 15 MR. COOPERSMITH: AND THE JOB OF YOUR COLLEAGUES WHO

01:00PM 16 ARE POLICE OFFICERS IS TO INVESTIGATE CRIME, ARREST PEOPLE WHEN

01:00PM 17 THAT IS WARRANTED, AND DO THE THINGS THAT POLICE OFFICERS DO;

01:00PM 18 IS THAT FAIR?

01:00PM 19 PROSPECTIVE JUROR: YES.

01:00PM 20 MR. COOPERSMITH: AND YOU SAID BEFORE, IF I HEARD

01:00PM 21 YOU RIGHT, THAT SOMETIMES EVEN THOSE PEOPLE WHO ARE YOUR

01:00PM 22 COLLEAGUES MIGHT GET THINGS WRONG; IS THAT WHAT YOUR ANSWER

01:00PM 23 WAS?

01:00PM 24 PROSPECTIVE JUROR: YES, I DID.

01:00PM 25 MR. COOPERSMITH: AND HAVE YOU SEEN THAT HAPPEN?

01:00PM 1 PROSPECTIVE JUROR: YES, I HAVE.

01:00PM 2 MR. COOPERSMITH: OKAY. SO IS IT FAIR TO SAY THAT  
01:00PM 3 IN YOUR VIEW, EVEN HAVING WORKED WITH THE POLICE DEPARTMENT,  
01:00PM 4 THAT EVEN IF POLICE OR PROSECUTION CLAIM THAT SOMEONE COMMITTED  
01:01PM 5 A CRIME, THAT MIGHT NOT ACTUALLY BE TRUE; RIGHT?

01:01PM 6 PROSPECTIVE JUROR: YES.

01:01PM 7 MR. COOPERSMITH: OKAY. THANK YOU.

01:01PM 8 YOUR HONOR, THOSE ARE ALL OF THE QUESTIONS I HAVE. I KNOW  
01:01PM 9 WE HAVE SOME PEOPLE WHO WOULD LIKE TO TALK PRIVATELY.

01:01PM 10 THE COURT: ALL RIGHT. THANK YOU.

01:01PM 11 LADIES AND GENTLEMEN, WHAT WE'RE GOING TO DO IS TAKE A  
01:01PM 12 STANDING BREAK, WHICH IS TO SAY THAT YOU CAN STAND UP AND TAKE  
01:01PM 13 A BREAK.

01:01PM 14 WOULD ANYONE BENEFIT FROM A LONGER BREAK, A FIVE OR TEN  
01:01PM 15 MINUTE BREAK RIGHT NOW? I'M GOING TO TALK TO THE LAWYERS  
01:01PM 16 PRIVATELY.

01:01PM 17 PROSPECTIVE JUROR: CAN I USE THE RESTROOM?

01:01PM 18 THE COURT: YES. LET'S TAKE TEN MINUTES AND THEN  
01:01PM 19 I'LL TALK TO THE LAWYERS ABOUT OUR NEXT STEPS.

01:01PM 20 SO WE'LL TAKE TEN MINUTES. PLEASE DO NOT DISCUSS ANYTHING  
01:01PM 21 THAT WE'VE TALKED ABOUT HERE AMONGST YOURSELVES OR WITH ANYONE  
01:01PM 22 ELSE. WE'LL SEE YOU -- YOU CAN COLLECT YOURSELVES IN THE  
01:02PM 23 HALLWAY, PLEASE, IN ABOUT TEN MINUTES.

01:02PM 24 (PROSPECTIVE JURY PANEL OUT AT 1:02 P.M.)

01:02PM 25 THE COURT: ALL RIGHT. PLEASE BE SEATED. THANK

01:02PM 1 YOU.

01:02PM 2 THE RECORD SHOULD REFLECT THAT OUR PROSPECTIVE PANEL HAVE  
01:02PM 3 LEFT THE COURTROOM. ALL COUNSEL AND THE DEFENDANT ARE PRESENT.  
01:02PM 4 COUNSEL, SHOULD WE ENGAGE PRIVATE CONVERSATIONS WITH THOSE  
01:02PM 5 THAT WE HAVE IDENTIFIED?

01:02PM 6 I'M INFORMED THAT -- I BELIEVE OUR FIRST PANEL IS  
01:02PM 7 DOWNSTAIRS. WE WERE WAITING ARRIVAL OF I THINK THREE PEOPLE,  
01:02PM 8 AND WE'LL CHECK TO SEE IF THEY HAVE ARRIVED. I'M TOLD THAT ONE  
01:03PM 9 MEMBER OF THE JURY OF OUR PROSPECTIVE PANEL HAS BROUGHT YET  
01:03PM 10 ANOTHER LETTER WITH THEM. SO WE'LL SEE THAT.

01:03PM 11 AND HOW WOULD YOU -- MY SENSE IS THAT WE CAN TALK TO -- WE  
01:03PM 12 CAN BRING THE WHOLE PANEL IN, HAVE THEM SEATED, AND THEN WE CAN  
01:03PM 13 DISCUSS IN THE JURY ROOM AGAIN. THAT MIGHT BE THE MOST  
01:03PM 14 EFFECTIVE WAY.

01:03PM 15 ANY THOUGHTS ON THAT, MR. SCHENK?

01:03PM 16 MR. SCHENK: YES, YOUR HONOR. THAT WOULD BE FINE.

01:03PM 17 MR. COOPERSMITH: THAT'S FINE.

01:03PM 18 AND JUST FOR THE RECORD, I HAVE THE NUMBERS, AND I'M SURE  
01:03PM 19 THE COURT DOES, TOO, THAT SPECIFICALLY REQUESTED FOR ONE REASON  
01:03PM 20 OR THE OTHER TO HAVE A PRIVATE CONVERSATION.

01:03PM 21 SO THAT WOULD BE, IN MY COUNT, SIX JURORS: 191, 195, 196,  
01:03PM 22 198, 207, AND 210.

01:04PM 23 (PAUSE IN PROCEEDINGS.)

01:04PM 24 THE COURT: DID YOU SAY 205 ALSO?

01:04PM 25 MR. SCHENK: YOUR HONOR, I WAS JUST CONSULTING WITH

01:04PM 1 MY TEAM ON THAT. MR. COOPERSMITH DID NOT LIST 205. THE SIX  
01:04PM 2 THAT HE DID LIST I AGREE WITH. I THINK WE SHOULD ADD 205 TO  
01:04PM 3 THAT LIST.

01:04PM 4 THE COURT: OKAY. THANK YOU.

01:04PM 5 ARE THESE PEOPLE HERE?

01:05PM 6 (DISCUSSION OFF THE RECORD.)

01:05PM 7 THE COURT: ALL RIGHT. WELL, LET'S DO THAT. WHY  
01:05PM 8 DON'T WE TAKE ADVANTAGE OF WHATEVER TIME IS LEFT IN OUR TEN  
01:05PM 9 MINUTES, AND THEN WE'LL BRING THEM IN, AND THEN WE'LL CALL THEM  
01:05PM 10 IN ONE AT A TIME.

01:05PM 11 I'M INFORMED THAT OUR PANEL NUMBER 1, I'LL CALL THEM, FROM  
01:05PM 12 YESTERDAY, THEY'RE HERE, SAVE FOR JUROR -- PROSPECTIVE PANEL  
01:05PM 13 NUMBER 179, WHO I DON'T BELIEVE WILL -- APPARENTLY HE'S ON HIS  
01:05PM 14 WAY TO HIS DOCTOR'S APPOINTMENT NOW. SO YOU CAN LOOK AT THE  
01:05PM 15 LIST AND SEE WHERE THAT JUROR FITS.

01:05PM 16 MR. SCHENK: 179 WAS ONE OF THE TWO LEFT OVER  
01:06PM 17 JURORS. IT WAS JUST A REMAINING JUROR, BUT WAS NOT SEATED.

01:06PM 18 THE COURT: CORRECT. CORRECT.

01:06PM 19 SO -- OKAY. THAT'S THE STATUS OF THINGS. WE'LL SEE YOU  
01:06PM 20 IN A COUPLE OF MINUTES.

01:06PM 21 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

01:06PM 22 MR. SCHENK: THANK YOU.

01:06PM 23 (RECESS FROM 1:06 P.M. UNTIL 1:20 P.M.)

01:20PM 24 (PROSPECTIVE JURY PANEL IN AT 1:20 P.M.)

01:20PM 25 THE COURT: PLEASE BE SEATED. THANK YOU.



01:20PM 1 WE ARE BACK ON THE RECORD. ALL PARTIES PREVIOUSLY PRESENT  
01:20PM 2 ARE PRESENT ONCE AGAIN. OUR PROSPECTIVE PANEL MEMBERS ARE  
01:20PM 3 PRESENT.

01:20PM 4 THANK YOU, LADIES AND GENTLEMEN. THANK YOU FOR YOUR  
01:20PM 5 PATIENCE TODAY. I APPRECIATE YOUR PATIENCE IN THIS PROCESS.

01:20PM 6 WHAT I'M GOING TO DO NOW IS, AS WE'VE SAID, SOME OF YOU  
01:20PM 7 HAVE INDICATED THAT YOU WOULD LIKE TO SPEAK PRIVATELY WITH THE  
01:20PM 8 PARTIES.

01:20PM 9 WE'RE GOING TO DO THAT NOW. WHAT I INTEND TO DO IS THAT I  
01:20PM 10 THINK THERE ARE ABOUT SIX, MAYBE SEVEN FOLKS, WE'RE GOING TO  
01:20PM 11 CALL YOUR NUMBERS OUT AND OUR COURTROOM DEPUTY WILL ESCORT YOU  
01:20PM 12 TO OUR RIGHT.

01:20PM 13 THIS IS THE USUAL DELIBERATION ROOM THAT OUR JURORS USE.  
01:20PM 14 IT'S SMALL, MUCH SMALLER THAN THE COURTROOM YOU'RE GOING TO USE  
01:20PM 15 AS DELIBERATING JURORS. WE'LL CALL YOUR NUMBERS AND RELEASE  
01:20PM 16 YOU AND NOTIFY YOU OF THE NEXT STEPS.

01:20PM 17 WHAT THAT MEANS IS THOSE WHO ARE NOT INVITED, YOU CAN  
01:20PM 18 RELAX AND SIT HERE AND WAIT. I DON'T KNOW HOW LONG THIS  
01:20PM 19 PROCESS WILL TAKE. WE'LL TRY TO BE EFFICIENT ABOUT IT, AND  
01:20PM 20 THEN MAKE THIS HAPPEN AS EFFICIENTLY AS POSSIBLE SO AS NOT TO  
01:20PM 21 INCONVENIENCE YOU ANY FURTHER.

01:20PM 22 SO I WILL STEP DOWN.

01:20PM 23 COUNSEL, TWO FROM EACH SIDE I GUESS WANT TO JOIN. WE'LL  
01:20PM 24 GO IN THE BACK AND CALL OUT OUR JURORS.

01:21PM 25 (SIDE-BAR CONFERENCE ON THE RECORD.)

01:21PM 1 THE COURT: 191.

01:22PM 2 (PROSPECTIVE JUROR NUMBER 191 IS PRESENT.)

01:22PM 3 THE COURT: HAVE A SEAT, SIR.

01:22PM 4 WE'RE WITH MR. COOPERSMITH, MS. WALSH, MR. BOSTIC, AND

01:22PM 5 MR. SCHENK.

01:22PM 6 WE'RE MEETING WITH PROSPECTIVE JUROR NUMBER 191. I THINK

01:22PM 7 YOU SAID, SIR, YOU WANTED TO SPEAK PRIVATELY WITH THE COURT AND

01:22PM 8 COUNSEL ABOUT A MATTER.

01:22PM 9 PROSPECTIVE JUROR: IF I RECALL THERE WAS JUST SOME

01:22PM 10 REFERENCE TO HOW I CAME TO WATCH THE HULU, "THE DROPOUT"?

01:22PM 11 THE COURT: YES.

01:22PM 12 PROSPECTIVE JUROR: I DIDN'T RETAIN THE TITLE WHEN I

01:22PM 13 CAME IN TO FILL OUT THE PAPERWORK, BUT I DIDN'T WANT TO TAKE UP

01:22PM 14 TOO MUCH TIME HERE AND I WASN'T SURE IF THAT WAS THE RIGHT

01:22PM 15 VENUE OR BACK HERE TO DISCLOSE THAT IF THERE WERE ANY FURTHER

01:22PM 16 QUESTIONS.

01:22PM 17 THAT WAS IT.

01:22PM 18 THE COURT: OKAY. ALL RIGHT.

01:22PM 19 SO YOU TOLD US THAT YOU SAW ABOUT AN HOUR, AND THERE WERE

01:22PM 20 THREE EPISODES THAT YOU SAW?

01:22PM 21 PROSPECTIVE JUROR: RIGHT.

01:22PM 22 THE COURT: AND I BELIEVE I ASKED YOU WHETHER OR NOT

01:23PM 23 ANYTHING THAT YOU SAW WOULD AFFECT YOUR ABILITY TO BE FAIR AND

01:23PM 24 IMPARTIAL TO BOTH SIDES HERE.

01:23PM 25 PROSPECTIVE JUROR: WELL, FURTHER SPEAKING AND AS

01:23PM 1 YOUR HONOR HAS MENTIONED, YES, I'M ABLE TO MAKE A FAIR DECISION  
01:23PM 2 I BELIEVE PRIOR TO, SO, YEAH, I KIND OF FORMED AN OPINION ABOUT  
01:23PM 3 WHAT HAPPENED FROM THE LIMITED INFORMATION AND WHATNOT THAT WAS  
01:23PM 4 SHARED IN THOSE EPISODES, AND AS --

01:23PM 5 THE COURT: MR. COOPERSMITH.

01:23PM 6 PROSPECTIVE JUROR: -- MR. COOPERSMITH HAD ASKED,  
01:23PM 7 YEAH, MY GIRLFRIEND DID MENTION TO ME NOT THE VERDICT BUT, YOU  
01:23PM 8 KNOW -- WHAT DO YOU WANT TO CALL IT? -- MS. HOLMES'S, JUST THE  
01:23PM 9 OUTCOME OF WHAT IS PENDING AT THE MOMENT.

01:23PM 10 THE COURT: OKAY. YOU HEARD OF THE OUTCOME OF THAT  
01:23PM 11 CASE?

01:23PM 12 PROSPECTIVE JUROR: RIGHT.

01:23PM 13 THE COURT: LET ME ASK YOU, HAVE YOU ALSO HEARD  
01:23PM 14 ABOUT ANY ALLEGATIONS OF ANY IMPROPRIETIES THAT MR. BALWANI MAY  
01:24PM 15 HAVE ENGAGED WITH MS. HOLMES? HAVE YOU HEARD ANYTHING ABOUT  
01:24PM 16 THAT?

01:24PM 17 PROSPECTIVE JUROR: CAN YOU BE A LITTLE SPECIFIC OR  
01:24PM 18 NO?

01:24PM 19 THE COURT: ABOUT THEIR RELATIONSHIP?

01:24PM 20 PROSPECTIVE JUROR: RIGHT. YEAH.

01:24PM 21 AND I GUESS THERE WAS JUST A COUPLE OF THINGS THAT I SAW  
01:24PM 22 IN THE EPISODES. AGAIN, IT WAS JUST ON A SATURDAY MORNING. I  
01:24PM 23 DIDN'T KNOW IT WAS THE SHOW ITSELF BECAUSE I DIDN'T RETAIN THE  
01:24PM 24 NAME, AND NAMES WERE NOT MENTIONED OF THE SHOW.

01:24PM 25 THE COURT: RIGHT.

01:24PM 1 PROSPECTIVE JUROR: BUT ESSENTIALLY THERE WAS A CLIP  
01:24PM 2 WHERE, YEAH, THEY HAD A RELATIONSHIP GOING ON.

01:24PM 3 I DON'T KNOW IF YOU GUYS WANT TO HEAR JUST THE BASIS OF  
01:24PM 4 WHAT I SAW?

01:24PM 5 THERE WAS A RELATIONSHIP AND THEN THE MEDICAL DEVICE NOT  
01:24PM 6 WORKING ACCORDINGLY AND THEM TRYING TO OBTAIN FURTHER FUNDING  
01:24PM 7 FROM MAJOR CORPORATIONS OR MARKET CORPORATIONS.

01:24PM 8 THE COURT: OKAY. DID YOU HEAR ANYTHING, OR DO YOU  
01:24PM 9 RECALL HEARING ANYTHING, ABOUT THEIR PERSONAL RELATIONSHIP,  
01:24PM 10 MS. HOLMES AND MR. BALWANI?

01:24PM 11 PROSPECTIVE JUROR: JUST FROM THAT EPISODE SHOWED,  
01:24PM 12 YEAH, THEY WERE MAYBE NOT LIVING TOGETHER, BUT SHE WOULD  
01:24PM 13 FREQUENTLY -- SHE WAS AT HIS PLACE.

01:25PM 14 THE COURT: OKAY.

01:25PM 15 PROSPECTIVE JUROR: AND THEN --

01:25PM 16 THE COURT: ANYTHING ELSE ABOUT THEIR RELATIONSHIP,  
01:25PM 17 INTERACTIONS BETWEEN THE TWO OF THEM?

01:25PM 18 PROSPECTIVE JUROR: WELL, IT APPEARED THAT THEY HAD  
01:25PM 19 A RELATIONSHIP.

01:25PM 20 THE COURT: OKAY.

01:25PM 21 PROSPECTIVE JUROR: I MEAN, THEY WERE TOGETHER IN  
01:25PM 22 THE CAR. THEY WERE, YOU KNOW --

01:25PM 23 THE COURT: WAS IT BOYFRIEND/GIRLFRIEND?

01:25PM 24 PROSPECTIVE JUROR: BOYFRIEND/GIRLFRIEND, YEAH.

01:25PM 25 THE COURT: ANYTHING ELSE ABOUT THE FACT THAT THEY

01:25PM 1 WERE BOYFRIEND/GIRLFRIEND, OR ANYTHING THAT YOU RECALL FROM  
01:25PM 2 THAT SHOW?

01:25PM 3 PROSPECTIVE JUROR: NO, JUST INITIALLY THEY WERE  
01:25PM 4 TRYING TO KEEP IT HUSH HUSH.

01:25PM 5 THE COURT: OKAY. AND LET ME ASK YOU ABOUT, I THINK  
01:25PM 6 YOU SAID YOUR GIRLFRIEND TOLD YOU ABOUT THE OUTCOME IN THE  
01:25PM 7 OTHER CASE?

01:25PM 8 PROSPECTIVE JUROR: RIGHT.

01:25PM 9 THE COURT: YOU'RE AWARE OF THAT?

01:25PM 10 PROSPECTIVE JUROR: UH-HUH.

01:25PM 11 THE COURT: AND WHAT IS YOUR UNDERSTANDING OF WHAT  
01:25PM 12 HAPPENED IN THAT CASE?

01:25PM 13 PROSPECTIVE JUROR: I DIDN'T KNOW THE FULL DETAILS.

01:25PM 14 THE COURT: RIGHT.

01:25PM 15 PROSPECTIVE JUROR: I DIDN'T LOOK INTO IT --

01:25PM 16 THE COURT: YOU FOLLOWED DIRECTIONS.

01:25PM 17 PROSPECTIVE JUROR: AND SHE LOOKED IT UP AND SAID,  
01:25PM 18 OH, BY THE WAY, SHE'S PENDING SENTENCING.

01:25PM 19 THE COURT: I SEE. WHAT IS YOUR KNOWLEDGE OF WHAT  
01:25PM 20 HAPPENED IN HER CASE? JUST, DO YOU KNOW -- TELL US WHAT YOU  
01:25PM 21 KNOW.

01:25PM 22 PROSPECTIVE JUROR: I DON'T EVEN KNOW THE CHARGES.

01:26PM 23 THE COURT: OKAY. AND YOU DON'T KNOW WHAT SHE WAS  
01:26PM 24 CONVICTED OF?

01:26PM 25 PROSPECTIVE JUROR: I DON'T. JUST SHE'S LOOKING UP

01:26PM 1 TO PROBABLY 20 YEARS.

01:26PM 2 THE COURT: THAT'S WHAT YOU'VE READ?

01:26PM 3 PROSPECTIVE JUROR: THAT'S WHAT SHE TOLD ME.

01:26PM 4 THE COURT: OKAY. YOU DON'T KNOW IF SHE WAS FOUND  
01:26PM 5 NOT GUILTY OF ANY CHARGES?

01:26PM 6 PROSPECTIVE JUROR: NO.

01:26PM 7 THE COURT: OKAY. AND YOU DON'T KNOW -- YOUR  
01:26PM 8 GIRLFRIEND TOLD YOU SHE WAS CONVICTED OF SOMETHING, BUT SHE  
01:26PM 9 DIDN'T TELL YOU WHAT OR HOW MANY?

01:26PM 10 PROSPECTIVE JUROR: I THINK SHE MIGHT HAVE, BUT I  
01:26PM 11 JUST DIDN'T RETAIN IT. I WASN'T TRYING TO LISTEN TO IT.

01:26PM 12 THE COURT: OKAY. ALL RIGHT.

01:26PM 13 SO LET ME ASK YOU JUST ABOUT THAT, AGAIN, YOUR UNIVERSE OF  
01:26PM 14 KNOWLEDGE ABOUT THOSE THINGS: THE RESULT OF THE CASE, WHAT YOU  
01:26PM 15 SAW ON HULU. YOU HEARD ME ASK THIS ALL MORNING.

01:26PM 16 DO YOU THINK YOU COULD PUT ALL OF THAT ASIDE IF YOU'RE  
01:26PM 17 SELECTED AS A JUROR IN THIS CASE AND DECIDE THIS CASE ONLY ON  
01:26PM 18 THE EVIDENCE THAT IS HERE? CAN YOU DO THAT?

01:26PM 19 PROSPECTIVE JUROR: I FEEL LIKE I CAN.

01:26PM 20 I JUST CAN'T IGNORE MY PROFESSIONAL OR WORK DUTIES BEING  
01:26PM 21 IN COURT, YOU KNOW, PEOPLE GO TO PRELIM AND SETTINGS AND  
01:26PM 22 WHATEVER AND THEN YOU GO TO TRIAL, I UNDERSTAND HOW THAT WORKS.

01:27PM 23 THE COURT: RIGHT.

01:27PM 24 PROSPECTIVE JUROR: YEAH, I SEE THE COMPLAINT MIGHT  
01:27PM 25 ALLEGE SO MANY ALLEGATIONS, AND THEN AT CONVICTION OR

01:27PM 1 SENTENCING, THAT'S NOT THE CASE, AND IN ITS ENTIRETY FOR THE  
01:27PM 2 DEFENDANT.

01:27PM 3 I MEAN, I BELIEVE I CAN, I JUST, I MEAN HOW DO I IGNORE  
01:27PM 4 WHAT I DO FOR WORK?

01:27PM 5 THE COURT: YEAH, NO, RIGHT. THAT'S A FAIR QUESTION  
01:27PM 6 BECAUSE YOU'RE INVOLVED IN THE CRIMINAL JUSTICE SYSTEM. YOU'VE  
01:27PM 7 TESTIFIED AT TRIALS, I THINK YOU'VE TOLD ME, MAYBE PRELIMS AS  
01:27PM 8 WELL, AND YOU'VE BEEN CROSS-EXAMINED BY LAWYERS, AND YOU'VE  
01:27PM 9 BEEN DIRECT EXAMINED BY LAWYERS, AND JUDGES HAVE ASKED YOU ON  
01:27PM 10 THE BENCH AS WELL, AND SO YOU UNDERSTAND THAT PROCESS.

01:27PM 11 MY SENSE IS THAT FROM YOUR POSITION, YOU SAY, HOW CAN I BE  
01:27PM 12 A JUROR IN THIS CASE BECAUSE I KNOW SO MUCH ABOUT THE JUSTICE  
01:27PM 13 SYSTEM?

01:27PM 14 PROSPECTIVE JUROR: TO SOME EXTENT.

01:27PM 15 THE COURT: YEAH, RIGHT.

01:27PM 16 LET ME TELL YOU ONE OF MY COLLEAGUES -- I USED TO BE A  
01:27PM 17 SUPERIOR COURT JUDGE HERE. ONE OF MY COLLEAGUES IN SUPERIOR  
01:27PM 18 COURT SAT AS A JUROR IN A CRIMINAL CASE. IMAGINE THAT? SHE  
01:28PM 19 SAT AS A JUROR AND RENDERED A VERDICT, HELPED THE JURY RENDER A  
01:28PM 20 VERDICT IN THAT CASE.

01:28PM 21 SO TODAY WHEN I SAY I GET CALLED, I DO. THEY HAVEN'T  
01:28PM 22 CALLED ME FOR SOME REASON, I DON'T KNOW.

01:28PM 23 BUT ONE DAY I HOPE TO BE ABLE TO DO THAT.

01:28PM 24 BUT I UNDERSTAND THE CHALLENGES THAT YOU FACE.

01:28PM 25 WHAT THESE LAWYERS WANT TO KNOW, AND WHAT I WOULD LIKE TO

01:28PM 1 KNOW ALSO, IS IF YOU'RE SELECTED AS A JUROR IN THIS CASE, CAN  
01:28PM 2 YOU PUT THAT ASIDE, THAT IS, YOUR -- YOU'RE LAW ENFORCEMENT,  
01:28PM 3 YOU TOLD US THAT. CAN YOU PUT THAT ASIDE AND DECIDE THIS CASE  
01:28PM 4 JUST ON THE EVIDENCE YOU HEAR IN THIS COURTROOM? WILL YOU BE  
01:28PM 5 ABLE TO DO THAT?

01:28PM 6 PROSPECTIVE JUROR: I MEAN, I BELIEVE I CAN DO MY  
01:28PM 7 DUE DILIGENCE.

01:28PM 8 THE COURT: THAT'S YOUR DUTY AS A JUROR. CAN YOU DO  
01:28PM 9 THAT?

01:28PM 10 PROSPECTIVE JUROR: I BELIEVE SO.

01:28PM 11 THE COURT: I'M SORRY?

01:28PM 12 PROSPECTIVE JUROR: I BELIEVE SO.

01:28PM 13 THE COURT: YOU HEARD ANOTHER YOUNG LADY WHO IS  
01:28PM 14 ACTUALLY NOT A PEACE OFFICER.

01:28PM 15 PROSPECTIVE JUROR: YEAH, THE RECORDS.

01:28PM 16 THE COURT: UH-HUH, RIGHT. SHE SAID SOMETIMES THEY  
01:28PM 17 GET IT WRONG.

01:28PM 18 DO YOU BELIEVE THAT AS WELL?

01:29PM 19 PROSPECTIVE JUROR: IT'S NOT MY EXPERIENCE.

01:29PM 20 THE COURT: IT'S NOT YOUR EXPERIENCE. EVERY CASE  
01:29PM 21 YOU'VE BEEN ON, HAS THERE BEEN A CONVICTION?

01:29PM 22 PROSPECTIVE JUROR: NO. BUT I UNDERSTAND THERE'S  
01:29PM 23 THE INTERESTS OF JUSTICE AND SO FORTH THAT HAPPEN, AND  
01:29PM 24 ESPECIALLY IN MY EXPERIENCE AND WHAT I DO ON A DAY-TO-DAY --

01:29PM 25 THE COURT: RIGHT. OKAY.



01:29PM 1 MR. COOPERSMITH.

01:29PM 2 MR. COOPERSMITH: OKAY. THANK YOU, YOUR HONOR.

01:29PM 3 ARE YOU COMFORTABLE IF I TAKE OFF MY MASK?

01:29PM 4 PROSPECTIVE JUROR: YEAH, THAT'S FINE.

01:29PM 5 MR. COOPERSMITH: OKAY. THANK YOU.

01:29PM 6 SO, FIRST OF ALL, THANK YOU FOR COMING IN. I'M NOT SURE  
01:29PM 7 YOU KNEW YOU WOULD BE IN THIS MORE PRIVATE SESSION.

01:29PM 8 AND I KNOW THAT YOU'RE A PROBATION OFFICER, AND I HAVE  
01:29PM 9 WORKED WITH MANY PROBATION OFFICERS. I REALLY RESPECT THAT AND  
01:29PM 10 I KNOW YOU WOULD TAKE THE PROCESS SERIOUSLY.

01:29PM 11 IS THAT FAIR?

01:29PM 12 PROSPECTIVE JUROR: YES.

01:29PM 13 MR. COOPERSMITH: AND THE REASON I SAY THAT, THOUGH,  
01:29PM 14 IS THAT THIS ISN'T, YOU KNOW, LIKE YOU'RE IN HERE BECAUSE  
01:29PM 15 THERE'S ANY ISSUE OR YOU'RE IN TROUBLE. I MEAN, IT'S JUST  
01:29PM 16 REALLY ABOUT BEING HONEST AND FIGURING OUT WHAT THE RIGHT JURY  
01:29PM 17 POOL IS HERE FOR BOTH SIDES, FRANKLY.

01:29PM 18 AND, YOU KNOW, THE FACT THAT YOU, AS YOU SAID, YOU WOULD  
01:29PM 19 FILL OUT THE QUESTIONNAIRE AND THEN YOU LIVE WITH YOUR  
01:30PM 20 GIRLFRIEND AND SHE WAS WATCHING A SHOW, AND SOMETIMES THINGS  
01:30PM 21 HAPPEN AND IT'S NOT -- YOU DIDN'T SEEK IT OUT INTENTIONALLY OR  
01:30PM 22 SOMETHING; RIGHT?

01:30PM 23 PROSPECTIVE JUROR: UH-HUH.

01:30PM 24 MR. COOPERSMITH: BUT I DO WANT TO KNOW ABOUT THAT.  
01:30PM 25 AND SO THE WAY I RECALL, LIKE LAST TIME I HAD TIME TO STREAM

01:30PM 1 TWO SHOWS WAS THAT WHEN A T.V. SHOW ENDS, LIKE SOMETHING ON  
01:30PM 2 HULU, UNLESS YOU GET UP AND AFFIRMATIVELY STOP IT, IT WILL KEEP  
01:30PM 3 PLAYING THE NEXT EPISODE AND THE NEXT EPISODE; IS THAT RIGHT?

01:30PM 4 PROSPECTIVE JUROR: RIGHT.

01:30PM 5 MR. COOPERSMITH: IS THAT WHAT YOU WERE TALKING  
01:30PM 6 ABOUT WHEN THREE EPISODES PLAYED?

01:30PM 7 PROSPECTIVE JUROR: YEAH.

01:30PM 8 MR. COOPERSMITH: AND IT SOUNDS LIKE YOU WERE  
01:30PM 9 SITTING, I DON'T KNOW WHETHER IT'S A COUCH OR WHATEVER YOU HAVE  
01:30PM 10 IN YOUR HOME, SITTING THERE AND THAT WAS PLAYING FOR, LIKE, THE  
01:30PM 11 EPISODES THAT AIRED; RIGHT?

01:30PM 12 PROSPECTIVE JUROR: SO JUST -- SO I WOKE UP AND SHE  
01:30PM 13 WAS WATCHING A SHOW. I DIDN'T EVEN KNOW IT WAS A SHORT MOVIE.

01:30PM 14 AND I WAS WATCHING, BUT I WAS ALSO ON MY PHONE.

01:30PM 15 MR. COOPERSMITH: YEAH.

01:30PM 16 PROSPECTIVE JUROR: AND THEN AT SOME POINT ONE  
01:30PM 17 EPISODE, IT WAS LIKE MIDWAY ENDED, I DIDN'T THINK MUCH OF IT.  
01:30PM 18 AND THEN IT STARTED AGAIN. I ASKED HER, ARE YOU WATCHING --  
01:31PM 19 WHAT IS THIS?

01:31PM 20 AND SHE SAID YES, IT'S "THE DROPOUT."

01:31PM 21 AGAIN, THE NAME DIDN'T REGISTER. I HAVE OTHER STUFF GOING  
01:31PM 22 ON.

01:31PM 23 SO THEN I SAID, WHAT IS THIS ABOUT?

01:31PM 24 AND SHE SAID, WELL, KIND OF GAVE ME LIKE A BRIEF, HEY,  
01:31PM 25 THEY'RE TRYING TO DO SOME MEDICAL DEVICE.

01:31PM 1 AND I SAID, WHAT ARE THEIR NAMES OR WHO IS WHO?

01:31PM 2 AND SHE MENTIONED THE NAME BALWANI OR SUNNY, AND THAT'S  
01:31PM 3 HOW IT REGISTERED.

01:31PM 4 AND SO I GOT UP AND LEFT. I WENT TO GO AND WORKED OUT AND  
01:31PM 5 CAME BACK AND SHE WAS STILL FINISHING WATCHING AN EPISODE.

01:31PM 6 MR. COOPERSMITH: OKAY. AND WHEN YOU CAME BACK, THE  
01:31PM 7 SHOW WAS STILL PLAYING?

01:31PM 8 PROSPECTIVE JUROR: UH-HUH.

01:31PM 9 MR. COOPERSMITH: AND IT WAS ON WHICH EPISODE? DO  
01:31PM 10 YOU KNOW?

01:31PM 11 PROSPECTIVE JUROR: THE ONE WHERE THEY WERE MEETING  
01:31PM 12 WITH SAFEWAY EXEC OR CVS OR SOMEBODY.

01:31PM 13 MR. COOPERSMITH: OKAY. AND WHEN YOU CAME BACK, HOW  
01:31PM 14 MUCH LONGER DID IT PLAY AFTER YOU WERE BACK AFTER YOU DID SOME  
01:31PM 15 OF THIS?

01:31PM 16 PROSPECTIVE JUROR: IT WAS ACTUALLY I GUESS IT  
01:31PM 17 FINISHED, IT FINISHED -- I DON'T KNOW WHEN IT FINISHED. IT WAS  
01:32PM 18 KIND OF LIKE AN ABRUPT ENDING. I CAN'T EVEN TELL YOU.

01:32PM 19 MR. COOPERSMITH: OKAY. BUT THERE WERE PERIODS OF  
01:32PM 20 TIME, ASIDE FROM LOOKING AT YOUR PHONE AND DOING OTHER THINGS  
01:32PM 21 THAT YOU NEEDED TO DO, THERE WERE PERIODS OF TIME WHERE YOU  
01:32PM 22 WERE WATCHING THE SCREEN WHILE THE SHOW WAS AIRING?

01:32PM 23 PROSPECTIVE JUROR: UH-HUH, RIGHT.

01:32PM 24 MR. COOPERSMITH: AND YOU THINK THAT THAT, THE  
01:32PM 25 ENTIRETY OF THAT WHOLE, BUT NOT NECESSARILY CONSECUTIVE, WAS

01:32PM 1 ABOUT AN HOUR?

01:32PM 2 PROSPECTIVE JUROR: YEAH, RIGHT.

01:32PM 3 MR. COOPERSMITH: AND IT SOUNDS LIKE YOU WATCHED IT  
01:32PM 4 ENOUGH TO KNOW THAT THERE WAS A BOYFRIEND OF MS. HOLMES NAMED  
01:32PM 5 SUNNY BALWANI, OR AT LEAST THERE WAS A CHARACTER PLAYING THAT  
01:32PM 6 PART; RIGHT?

01:32PM 7 PROSPECTIVE JUROR: UH-HUH.

01:32PM 8 MR. COOPERSMITH: AND I DON'T KNOW IF YOU REMEMBER,  
01:32PM 9 LIKE, THE BOYFRIEND WAS A PERSON WHO LOOKED LIKE THEY WERE AN  
01:32PM 10 OF SOUTH ASIAN DECENT; IS THAT FAIR?

01:32PM 11 PROSPECTIVE JUROR: MIDDLE EAST OR SOUTH ASIAN.

01:32PM 12 MR. COOPERSMITH: MIDDLE EAST OR SOUTH ASIAN. ALL  
01:32PM 13 RIGHT.

01:32PM 14 WELL, AFTER THE SHOW, IT SOUNDS LIKE YOU HAD A  
01:32PM 15 CONVERSATION WITH YOUR GIRLFRIEND ABOUT THAT SHE HAD  
01:32PM 16 INDEPENDENTLY DONE SOME RESEARCH AND FIGURED OUT WHAT HAPPENED  
01:33PM 17 IN THE OTHER CASE?

01:33PM 18 PROSPECTIVE JUROR: YEAH, I WOULDN'T EVEN CALL IT  
01:33PM 19 CONVERSATIONS. WE WERE ON OUR WAY SOMEWHERE AND SHE SAID, OH,  
01:33PM 20 HEY, BY THE WAY, SHE IS PENDING SENTENCING, SHE GOT CONVICTED.

01:33PM 21 MR. COOPERSMITH: OKAY.

01:33PM 22 PROSPECTIVE JUROR: I DIDN'T ASK ANYTHING ELSE.

01:33PM 23 MR. COOPERSMITH: YEAH, OKAY. BUT YOU AT LEAST  
01:33PM 24 LEARNED THAT ONE PIECE?

01:33PM 25 PROSPECTIVE JUROR: UH-HUH.

01:33PM 1 MR. COOPERSMITH: SO I KNOW THAT, AS I SAID BEFORE,  
01:33PM 2 BEING A PROBATION OFFICER IN PARTICULAR, RIGHT, YOU TAKE THIS  
01:33PM 3 PROCESS SERIOUSLY AND JUDGE DAVILA'S INSTRUCTIONS, YOU KNOW,  
01:33PM 4 YOU'VE SAID THAT.

01:33PM 5 BUT I'M WONDERING, THOUGH, LIKE, HAVING SEEN THAT AND JUST  
01:33PM 6 BY ACCIDENT, RIGHT, IF YOU HAD A CLOSE FAMILY MEMBER WHO WAS ON  
01:33PM 7 TRIAL, WOULD YOU WANT A JUROR SEATED WHO HAD LEARNED THE THINGS  
01:33PM 8 THAT YOU LEARNED FROM THE HULU SHOW OR FROM YOUR GIRLFRIEND?

01:33PM 9 THE COURT: DO YOU UNDERSTAND THAT QUESTION?

01:33PM 10 PROSPECTIVE JUROR: I DO.

01:33PM 11 I'LL DO MY DUE DILIGENCE, BUT I UNDERSTAND THE POSITION  
01:34PM 12 THAT, YEAH, PROBABLY YOU WOULDN'T. I GET IT.

01:34PM 13 MR. COOPERSMITH: RIGHT. AND WHY WOULD YOU THINK WE  
01:34PM 14 WOULDN'T?

01:34PM 15 PROSPECTIVE JUROR: LIKE YOU SAID, THERE MIGHT BE  
01:34PM 16 SOME IMPARTIAL BIAS, THAT -- YEAH, IMPARTIAL BIAS.

01:34PM 17 MR. COOPERSMITH: AND NO MATTER HOW HARD YOU TRY,  
01:34PM 18 YOU MIGHT KIND OF THINK I KNOW WHAT HAPPENED HERE? IS THAT  
01:34PM 19 KIND OF A FAIR WAY TO PUT IT?

01:34PM 20 PROSPECTIVE JUROR: YEAH, I UNDERSTAND. IT'S UP TO  
01:34PM 21 YOU GUYS.

01:34PM 22 THE COURT: WELL, DID YOU UNDERSTAND HIS QUESTION?

01:34PM 23 PROSPECTIVE JUROR: I DID, ABSOLUTELY, YOUR HONOR.

01:34PM 24 THE COURT: HE'S SAYING IF YOU HAD A FAMILY MEMBER,  
01:34PM 25 I THINK HE WAS ASKING, WOULD YOU FEEL COMFORTABLE WITH YOU ON

01:34PM 1 THE JURY? THAT QUESTION IS --

01:34PM 2 PROSPECTIVE JUROR: I PROBABLY WOULD NOT.

01:34PM 3 THE COURT: WELL, LET ME FINISH.

01:34PM 4 THAT QUESTION IS SOMETIMES CONFUSING. IT'S CONFUSING TO  
01:34PM 5 ME BECAUSE I'M NOT SURE IS HE ASKING, WOULD I BE COMFORTABLE  
01:34PM 6 WITH YOU? WOULD YOU BE COMFORTABLE WITH YOU?

01:34PM 7 OR, YOU KNOW, YOU TOLD ME YOU COULD PUT ASIDE EVERYTHING,  
01:34PM 8 AND I BELIEVE YOU. I THINK YOU CAN DO THAT.

01:34PM 9 IS THAT RIGHT?

01:34PM 10 PROSPECTIVE JUROR: CORRECT.

01:34PM 11 THE COURT: IF NOT, TELL ME. YOU KNOW, THAT'S --

01:34PM 12 PROSPECTIVE JUROR: YOU KNOW, I FEEL LIKE I WOULD DO  
01:35PM 13 MY DUE DILIGENCE AGAIN, AS I MENTIONED. I'M NOT GOING TO  
01:35PM 14 OBJECT TO HIS COMMENT.

01:35PM 15 THE COURT: YES. RIGHT.

01:35PM 16 BECAUSE THE COMMENT IS THAT YOU MIGHT NOT FEEL  
01:35PM 17 UNCOMFORTABLE, NOT BECAUSE I WOULDN'T BE FAIR, BUT BECAUSE I  
01:35PM 18 CAN SEE YOU WOULD BE UNCOMFORTABLE BECAUSE YOU THINK I WOULD BE  
01:35PM 19 UNFAIR, BUT I WOULDN'T BE UNFAIR. BUT I COULD SEE HOW YOU  
01:35PM 20 THINK I MIGHT NOT BE UNFAIR.

01:35PM 21 HOW MANY LAYERS CAN I PUT TO THAT?

01:35PM 22 PROSPECTIVE JUROR: YEAH, I UNDERSTAND.

01:35PM 23 THE COURT: WAS THAT THE CONCEPT?

01:35PM 24 PROSPECTIVE JUROR: UH-HUH.

01:35PM 25 THE COURT: THAT'S HOW I THINK OF THAT QUESTION, HOW

01:35PM 1 DO I ANSWER THAT? IT'S LIKE A STACK OF WAFFLES AND IT KEEPS  
01:35PM 2 GETTING HIGHER AND HIGHER.

01:35PM 3 SO DO YOU UNDERSTAND MY ASSESSMENT OF THAT QUESTION?

01:35PM 4 PROSPECTIVE JUROR: YES.

01:35PM 5 THE COURT: SO THE QUESTION REALLY IS, AND I THINK  
01:35PM 6 WHAT I WANT TO KNOW, AND I THINK WE ALL WANT TO KNOW, IS CAN  
01:35PM 7 YOU BE FAIR TO MR. BALWANI? CAN YOU BE FAIR TO  
01:35PM 8 MR. COOPERSMITH'S CLIENT? CAN YOU BE FAIR TO HIM?

01:35PM 9 PROSPECTIVE JUROR: WELL, YEAH, I BELIEVE SO.

01:35PM 10 THE COURT: OKAY. DOES HE HAVE TO WORRY THAT YOU'RE  
01:35PM 11 GOING TO BE SITTING THERE, BECAUSE YOU'VE BEEN INVOLVED, YOU'VE  
01:35PM 12 BEEN APPEARING AS WITNESSES FOR THE PROSECUTION, IS HE WORRIED  
01:35PM 13 THAT, OH, THIS GUY IS TOTALLY PROSECUTION ORIENTED AND HE'S OUT  
01:36PM 14 TO GET MY GUY?

01:36PM 15 PROSPECTIVE JUROR: NO.

01:36PM 16 (LAUGHTER.)

01:36PM 17 THE COURT: OKAY.

01:36PM 18 PROSPECTIVE JUROR: I LAUGH ONLY BECAUSE I KNOW  
01:36PM 19 THAT'S MY POSITION.

01:36PM 20 MR. COOPERSMITH: WHEN YOU SAY THAT'S YOUR  
01:36PM 21 POSITION --

01:36PM 22 PROSPECTIVE JUROR: I UNDERSTAND THAT BECAUSE THAT'S  
01:36PM 23 USUALLY WHAT HAPPENS AT WORK.

01:36PM 24 MR. COOPERSMITH: OH.

01:36PM 25 PROSPECTIVE JUROR: WE ARREST SOMEBODY OR WE'RE

01:36PM 1 ALLEGING AND WHATNOT.

01:36PM 2 MR. COOPERSMITH: YEAH. AND THEN WHAT?

01:36PM 3 PROSPECTIVE JUROR: WELL, WE'RE ALLEGING VIOLATIONS.

01:36PM 4 MR. COOPERSMITH: RIGHT. BUT THEN PEOPLE SEE YOU AS  
01:36PM 5 MAKING ACCUSATIONS?

01:36PM 6 PROSPECTIVE JUROR: CORRECT.

01:36PM 7 MR. COOPERSMITH: I UNDERSTAND. THANK YOU.

01:36PM 8 AND I THINK YOU SAID BEFORE THAT YOU WERE TALKING ABOUT  
01:36PM 9 YOUR COLLEAGUE ON THE JURY PANEL WHO WORKED AT THE RECORDS  
01:36PM 10 DEPARTMENT OF THE SANTA CLARA POLICE, AND SHE SAID THAT  
01:36PM 11 SOMETIMES HER POLICE OFFICER COLLEAGUES GET THINGS WRONG.

01:36PM 12 DO YOU FEEL THAT WAY, TOO?

01:36PM 13 PROSPECTIVE JUROR: WELL, THAT'S NOT MY EXPERIENCE.

01:36PM 14 MR. COOPERSMITH: WHAT IS YOUR EXPERIENCE?

01:36PM 15 PROSPECTIVE JUROR: WELL, I WORK WITH THE TASK FORCE  
01:36PM 16 WITH THE COUNTY ALSO, SO WE DO A LOT OF PATROL, SEARCH  
01:36PM 17 WARRANTS.

01:36PM 18 MR. COOPERSMITH: RIGHT.

01:36PM 19 PROSPECTIVE JUROR: WE DO OUR DUE DILIGENCE.

01:36PM 20 MR. COOPERSMITH: AND YOU FEEL LIKE YOU GET IT  
01:37PM 21 RIGHT?

01:37PM 22 PROSPECTIVE JUROR: CORRECT.

01:37PM 23 MR. COOPERSMITH: WHICH IS A GOOD THING.

01:37PM 24 PROSPECTIVE JUROR: YEAH, I'M NOT TRYING TO GET NO  
01:37PM 25 ONE --



01:37PM 1 MR. COOPERSMITH: OF COURSE.

01:37PM 2 BUT THAT'S YOUR EXPERIENCE.

01:37PM 3 SO IF YOU HAD, YOU KNOW, THESE ARE PROSECUTORS WHO ARE  
01:37PM 4 SITTING HERE AND THEY'RE TRYING THE CASE ON BEHALF OF THE  
01:37PM 5 GOVERNMENT, AND THEN THERE MAY OR MAY NOT BE LAW ENFORCEMENT  
01:37PM 6 ORIENTED WITNESSES ON THE STAND.

01:37PM 7 DO YOU FEEL LIKE, WELL, YOU'RE GOING TO KIND OF GIVE THEM  
01:37PM 8 A -- THEIR TESTIMONY OR THEIR STATEMENTS MORE WEIGHT BECAUSE  
01:37PM 9 THAT'S THE LAW ENFORCEMENT SIDE?

01:37PM 10 PROSPECTIVE JUROR: NO, I DON'T THINK SO.

01:37PM 11 MR. COOPERSMITH: NO, YOU DON'T THINK SO?

01:37PM 12 PROSPECTIVE JUROR: I WASN'T INVOLVED IN IT.

01:37PM 13 MR. COOPERSMITH: OKAY. THANKS.

01:37PM 14 SO MY QUESTION -- I DIDN'T MEAN TO STACK WAFFLES OR MAKE  
01:37PM 15 THINGS CONFUSING, BUT REALLY WHAT I WAS TRYING TO GET AT IS  
01:37PM 16 BECAUSE EVEN THOUGH ESPECIALLY SOMEONE IN YOUR POSITION IS  
01:37PM 17 GOING TO WANT TO FOLLOW THE RULES AND YOU SAID THAT AND I  
01:37PM 18 APPRECIATE THAT.

01:37PM 19 WE'RE JUST TRYING TO -- IT MAY BE TOO CLEVER A QUESTION,  
01:37PM 20 BUT JUST TRYING TO ASK YOU, LIKE, IS THERE ANY DOUBT IN YOUR  
01:37PM 21 MIND? ANY RESIDUAL, WELL, I SAW THIS SHOW AND TALKED TO MY  
01:38PM 22 GIRLFRIEND. MAYBE, YOU KNOW, I HAVE SOME DOUBT THAT I COULD  
01:38PM 23 PUT ALL OF THAT ASIDE AND THAT'S ALL.

01:38PM 24 IF THE ANSWER IS YES, THAT'S FINE. IF THE ANSWER IS NO,  
01:38PM 25 THAT'S FINE.

01:38PM 1 PROSPECTIVE JUROR: THE ANSWER IS NO.

01:38PM 2 BUT I HONESTLY WISH I WOULDN'T HAVE WATCHED IT AND COME

01:38PM 3 HERE WITH A CLEAN SLATE.

01:38PM 4 MR. COOPERSMITH: SURE. AND NOT BE IN THIS ROOM.

01:38PM 5 PROSPECTIVE JUROR: AND THE JUDGE FEELS LIKE I

01:38PM 6 DIDN'T FOLLOW INSTRUCTIONS AND I INADVERTENTLY WALKED INTO THE

01:38PM 7 EPISODE OF THE SHOW. WE WERE IN THE LIVING ROOM TOGETHER. I

01:38PM 8 CAN'T JUST TELL HER, I'M NOT GOING TO HANG OUT WITH YOU.

01:38PM 9 MR. COOPERSMITH: AND AS I SAID OUT IN THE GENERAL

01:38PM 10 SECTION, IS THE SHOW MIGHT NOT BE SOMETHING WRONG, IT'S

01:38PM 11 SUPPOSED TO BE FUN, IT'S SUPPOSED TO BE ENTERTAINMENT.

01:38PM 12 PROSPECTIVE JUROR: I TOTALLY UNDERSTAND THAT.

01:38PM 13 MR. COOPERSMITH: OKAY.

01:38PM 14 THE COURT: LET ME ASK YOU A FOLLOW-UP QUESTION.

01:38PM 15 CAN YOU BE FAIR TO THE GOVERNMENT, TOO? AND YOU'VE BEEN

01:38PM 16 INVOLVED IN TASK FORCE CASES, BIG CASES, AND ARE YOU GOING TO

01:38PM 17 LOOK AT THE GOVERNMENT'S INVESTIGATION AND SAY, I WOULDN'T HAVE

01:38PM 18 DONE IT THAT WAY. WHY ARE YOU DOING IT THAT WAY? YOU SHOULD

01:38PM 19 HAVE DONE THIS OR THAT AND BE THIS OR THAT, BE JUDGMENTAL ABOUT

01:39PM 20 THEM? IS THAT SOMETHING THAT YOU FIND YOURSELF DOING?

01:39PM 21 PROSPECTIVE JUROR: I MEAN, I WOULD HOPE NOT.

01:39PM 22 THE COURT: OKAY.

01:39PM 23 DO THEY HAVE TO WORRY ABOUT THAT?

01:39PM 24 PROSPECTIVE JUROR: WELL, NO. I MEAN, LIKE, IT'S

01:39PM 25 BEEN EXPLAINED. WELL, YOU SEE NOW I'M IN A BIND BECAUSE I GET

01:39PM 1 THE QUESTION AND, YEAH, I DON'T WANT TO, AS I SAY, MONDAY  
01:39PM 2 QUARTERBACK. BUT THE EVIDENCE OR THE INFORMATION IS GOING TO  
01:39PM 3 BE PRESENTED AND THAT'S WHAT I NEED TO GO BY.

01:39PM 4 THE COURT: RIGHT. OKAY.

01:39PM 5 MR. SCHENK: I HAVE IN MY NOTES THAT THERE WAS  
01:39PM 6 ACTUALLY A DIFFERENT TOPIC THAT YOU WANTED TO TALK TO US  
01:39PM 7 PRIVATELY ABOUT. MY NOTES MIGHT BE INCORRECT.

01:39PM 8 PROSPECTIVE JUROR: NO, I JUST MENTIONED EARLIER, IT  
01:39PM 9 WAS JUST MY WORK STUFF. WE'RE UNDERSTAFFED LIKE EVERYONE ELSE.  
01:39PM 10 I'M THE ONLY GUY OR PERSON IN OUR SOUTH COUNTY END OF THE  
01:39PM 11 COUNTY THAT SUPERVISES PEOPLE, SPECIAL ASSIGNMENT.

01:39PM 12 AND I'M PART -- YOU KNOW, I HAVE COURT STUFF COMING UP AND  
01:39PM 13 SO FORTH, OTHER TRAININGS, AND IF I GET OUT OF THAT, I DON'T  
01:40PM 14 KNOW WHAT I'M GOING TO DO IN THE NEAR FUTURE.

01:40PM 15 THE COURT: RIGHT. WE HAVE -- EXCUSE ME,  
01:40PM 16 MR. SCHENK. I'M SORRY.

01:40PM 17 WE HAVE -- WE'RE IN SESSION THREE DAYS A WEEK  
01:40PM 18 INTENTIONALLY TO ALLOW PEOPLE -- YOU KNOW, ASKING PEOPLE TO  
01:40PM 19 GIVE UP 13 WEEKS IS A LOT, I RECOGNIZE THAT.

01:40PM 20 SO WE TRY TO -- THAT'S WHY WE STOP AT 3:00 TO TRY TO GIVE  
01:40PM 21 PEOPLE AN OPPORTUNITY TO TOUCH BASE, AND ALSO TO NOT BE IN  
01:40PM 22 SESSION FOR A COUPLE OF DAYS TO ALLOW PEOPLE TO CATCH UP ON.

01:40PM 23 YOUR WORK IS 24/7. I UNDERSTAND THAT. YOU GET CALLS AT  
01:40PM 24 NIGHT FOR SEARCH WARRANTS AND VIOLATIONS AND ALL OF THAT TYPE  
01:40PM 25 OF THING. I COMPLETELY UNDERSTAND THAT.

01:40PM 1 AND THAT'S WHY I WAS JUST POINTING THAT OUT TO YOU.

01:40PM 2 IT'S GOING TO BE HARD FOR EVERYBODY WHO SITS AS A JUROR IN  
01:40PM 3 THIS CASE.

01:40PM 4 IT'S HARD FOR THESE LAWYERS BECAUSE THEY HAVE OTHER CASES  
01:40PM 5 THAT THEY HAVE TO WORK ON, AND, YOU KNOW, BUT IT'S AN  
01:40PM 6 INCONVENIENCE, I APPRECIATE AND RESPECT THAT.

01:40PM 7 THANK YOU.

01:41PM 8 ANY FURTHER QUESTIONS?

01:41PM 9 MR. SCHENK: SO IN MY NOTES ACTUALLY I THOUGHT YOU  
01:41PM 10 SAID YOU WANTED TO SPEAK PRIVATELY IN RESPONSE TO A QUESTION  
01:41PM 11 ABOUT PRIOR EXPERIENCE WITH THE CRIMINAL JUSTICE SYSTEM,  
01:41PM 12 WHETHER YOU OR FAMILY OR ANYBODY ELSE?

01:41PM 13 PROSPECTIVE JUROR: OH, YEAH. I HAVE JUST TWO  
01:41PM 14 COUSINS THAT HAVE BEEN CONVICTED FOR A SERIES OF OFFENSES.

01:41PM 15 THE COURT: IN WHAT COUNTY?

01:41PM 16 PROSPECTIVE JUROR: IN THIS COUNTY.

01:41PM 17 THE COURT: SANTA CLARA COUNTY. OKAY.

01:41PM 18 AND WERE YOU INVOLVED -- I'M SORRY, MR. SCHENK.

01:41PM 19 MR. SCHENK: NO. THANK YOU.

01:41PM 20 THE COURT: WERE YOU INVOLVED IN THOSE CASES AT ALL,  
01:41PM 21 EITHER AS A WITNESS TO GO TO COURT TO TESTIFY AS A CHARACTER  
01:41PM 22 WITNESS OR SENTENCING OR ANYTHING LIKE THAT?

01:41PM 23 PROSPECTIVE JUROR: I WAS NOT.

01:41PM 24 THE COURT: OKAY. IS THERE ANYTHING ABOUT THOSE  
01:41PM 25 SITUATIONS THAT YOU THINK WOULD CAUSE YOU TO BE LESS THAN FAIR

01:41PM 1 TO THE DEFENSE AND THE PROSECUTION?

01:41PM 2 PROSPECTIVE JUROR: NO. I MEAN, THEY'RE CRIMINAL

01:41PM 3 CASES, BUT IT HAS NOTHING TO DO WITH THIS TYPE OF CASE.

01:41PM 4 THE COURT: HOW LONG AGO WERE THOSE CASES?

01:41PM 5 PROSPECTIVE JUROR: ONE OF THEM MIGHT HAVE BEEN

01:41PM 6 15 YEARS AGO.

01:41PM 7 THE COURT: RIGHT.

01:41PM 8 PROSPECTIVE JUROR: IT'S A LENGTHY PRISON

01:41PM 9 COMMITMENT. AND THE OTHER ONE IS PROBABLY ONGOING.

01:41PM 10 THE COURT: STILL ONGOING IN THE COURTS?

01:42PM 11 PROSPECTIVE JUROR: UH-HUH.

01:42PM 12 THE COURT: IS THAT INDIVIDUAL IN CUSTODY?

01:42PM 13 PROSPECTIVE JUROR: I COULDN'T TELL YOU, YOUR HONOR.

01:42PM 14 THE COURT: OKAY. YOU DON'T FOLLOW IT?

01:42PM 15 PROSPECTIVE JUROR: I DON'T FOLLOW IT.

01:42PM 16 MR. SCHENK: GOT IT. NO FURTHER QUESTIONS. THANK

01:42PM 17 YOU.

01:42PM 18 MR. COOPERSMITH: NOTHING FURTHER. THANK YOU VERY

01:42PM 19 MUCH.

01:42PM 20 THE COURT: THANK YOU.

01:42PM 21 (PROSPECTIVE JUROR NUMBER 191 IS NOT PRESENT.)

01:42PM 22 THE CLERK: NUMBER?

01:42PM 23 THE COURT: 195.

01:43PM 24 (PROSPECTIVE JUROR NUMBER 195 IS PRESENT.)

01:43PM 25 THE COURT: THANK YOU. PLEASE HAVE A SEAT.

01:43PM 1 PROSPECTIVE JUROR: THANK YOU.

01:43PM 2 THE COURT: WE'RE MEETING PRIVATELY WITH JUROR  
01:43PM 3 NUMBER 195 OUT OF THE PRESENCE OF THE OTHER JURORS.

01:43PM 4 THANK YOU VERY MUCH FOR COMING HERE AND TALKING WITH US.

01:43PM 5 AND YOU WANTED TO DISCUSS WITH US I THINK IT WAS IN  
01:43PM 6 REGARDS TO FINANCIAL WITH YOUR WORK?

01:43PM 7 PROSPECTIVE JUROR: YEAH, SO I JUST BROUGHT UP MY  
01:43PM 8 SITUATION AT WORK, AND I'VE BEEN LOOKING AT THE SCHEDULE SOME,  
01:43PM 9 AND I'VE DISCUSSED IT A LITTLE BIT WITH MY BOSS.

01:43PM 10 OUR COMPANY POLICY, I THINK, DIFFERS A LITTLE BIT WITH  
01:43PM 11 WHAT WE COULD DO. BUT WITHOUT HAVING KNOWN THE SCHEDULE  
01:43PM 12 BEFOREHAND, IT WAS NOT REALLY SOMETHING THAT WE HAVE DISCUSSED.

01:43PM 13 BUT IF FOLLOWING ALONG WITH WHAT THE COMPANY POLICY IS, I  
01:43PM 14 WOULDN'T HAVE VACATION DAYS, AND THE BASE EXPENSES RIGHT NOW,  
01:44PM 15 WITH STUDENT PAYMENTS STARTING UP AGAIN AND CAR PAYMENTS AND  
01:44PM 16 ALL OF THOSE THINGS, IT'S A LOT AND IT WOULD EAT AWAY A LOT OF  
01:44PM 17 WHAT I HAVE SAVED UP IF NOT, YEAH, A LOT OF IT.

01:44PM 18 THE COURT: SO IS -- YOUR COMPANY WILL PAY YOU FOR  
01:44PM 19 LIMITED TIME ONLY?

01:44PM 20 PROSPECTIVE JUROR: YES. I THINK, WHEN I LOOKED AT  
01:44PM 21 THE HANDBOOK, IT WAS FIVE DAYS. AND THE WAY THAT MY JOB WORKS,  
01:44PM 22 I COULD POSSIBLY MAKE THIS WORK. LIKE EVEN THIS WEEK I'VE  
01:44PM 23 SHIFTED SOME MEETINGS AROUND TO THURSDAY NOW.

01:44PM 24 BUT I MIGHT BE ABLE TO MAKE IT WORK, I JUST DON'T KNOW  
01:44PM 25 YET --

01:44PM 1 THE COURT: I SEE.

01:44PM 2 PROSPECTIVE JUROR: -- IS THE PROBLEM.

01:44PM 3 THE COURT: THERE ARE SOME OTHER BREAKS IN THE

01:44PM 4 SCHEDULE THAT YOU HAVE SEEN, AND ONE OF THEM IS PRETTY LENGTHY,

01:44PM 5 ABOUT A WEEK IN MAY. APRIL THERE'S A FEW DAYS. I KNOW

01:44PM 6 APRIL 6TH AND 8TH WE'RE DARK. AND THEN IN MAY THERE ARE SOME

01:44PM 7 OTHERS.

01:44PM 8 PROSPECTIVE JUROR: YEAH.

01:44PM 9 THE COURT: I DON'T KNOW IF THAT HELPS YOU.

01:44PM 10 PROSPECTIVE JUROR: YEAH. SO I THINK WE'RE IN MARCH

01:45PM 11 RIGHT NOW.

01:45PM 12 THE COURT: AND THE FACT THAT WE END AT 3:00 IS SOME

01:45PM 13 HELP, BUT IT PROBABLY TAKES YOU AN HOUR TO GET TO YOUR

01:45PM 14 WORKPLACE FROM HERE.

01:45PM 15 PROSPECTIVE JUROR: WELL, THAT'S THE THING. SOME OF

01:45PM 16 THE STUFF I CAN DO FROM HOME. MY WORK IS KIND OF FLEXIBLE.

01:45PM 17 THE PROBLEM IS THAT SOME OF IT IS NOT.

01:45PM 18 THE COURT: RIGHT.

01:45PM 19 PROSPECTIVE JUROR: AND SOME OF IT IS FIXED ON SITE.

01:45PM 20 IT'S NOT AS COMMON.

01:45PM 21 THE DOWNSIDE IS THAT PROBABLY THE ONLY OTHER PERSON WHO IS

01:45PM 22 INVOLVED WITH THAT WILL BE LEAVING --

01:45PM 23 THE COURT: RIGHT.

01:45PM 24 PROSPECTIVE JUROR: -- FOR I THINK TWO OR THREE

01:45PM 25 WEEKS TO GO TO OUR FACILITY IN MALAYSIA. SO IT MAKES IT A

01:45PM 1 LITTLE TOUGH.

01:45PM 2 THE COURT: SURE. OKAY.

01:45PM 3 SO SOME OF IT HAS TO BE HANDS ON THE MACHINES?

01:45PM 4 PROSPECTIVE JUROR: YEAH, SOME OF IT.

01:45PM 5 THE COURT: OKAY. TELL US WHAT THE SOCIETY OF PEER  
01:45PM 6 MENTORS IS.

01:46PM 7 PROSPECTIVE JUROR: OH, IT'S JUST AN ORGANIZATION  
01:46PM 8 THAT I WAS IN AT LSU WHERE INCOMING FRESHMAN WHO WERE COMING  
01:46PM 9 INTO ENGINEERING, WE WOULD SORT OF MENTOR THEM, KIND OF  
01:46PM 10 INTRODUCE THEM TO THE COLLEGE, YOU KNOW, DIFFERENT PEOPLE FOR  
01:46PM 11 DIFFERENT THINGS.

01:46PM 12 AND THEN WE ALSO DID ROBOTICS MENTORING FOR SOME OF THE  
01:46PM 13 NEARBY K THROUGH 12 SCHOOLS, OTHER OUTREACH EVENTS, THINGS LIKE  
01:46PM 14 THAT, STEM STUFF.

01:46PM 15 THE COURT: OKAY. TAKE THEM TO FOOTBALL GAMES?

01:46PM 16 (LAUGHTER.)

01:46PM 17 PROSPECTIVE JUROR: SOMETIMES.

01:46PM 18 THE COURT: MR. COOPERSMITH.

01:46PM 19 MR. COOPERSMITH: WERE YOU AT LSU WHEN JOE WAS A  
01:46PM 20 QUARTERBACK?

01:46PM 21 PROSPECTIVE JUROR: UNFORTUNATELY I WAS NOT. I WAS  
01:46PM 22 ALREADY IN CALIFORNIA. HAPPY TO SEE IT, SAD THAT I WASN'T  
01:46PM 23 THERE.

01:46PM 24 MR. COOPERSMITH: IT WAS PROBABLY FUN TO WATCH IT ON  
01:46PM 25 T.V., RIGHT?



01:46PM 1 PROSPECTIVE JUROR: YEAH, YEAH. A LITTLE  
01:46PM 2 DISAPPOINTED THAT --  
01:46PM 3 MR. COOPERSMITH: WELL, IT WAS CLOSE. IT WAS CLOSE.  
01:46PM 4 OKAY.  
01:46PM 5 SO, FIRST OF ALL, THE PRIVATE MATTER YOU WANTED TO  
01:47PM 6 DISCUSS, IS THAT EVERYTHING THAT YOU JUST SAID?  
01:47PM 7 PROSPECTIVE JUROR: YES.  
01:47PM 8 MR. COOPERSMITH: AND NOTHING ELSE ABOUT THAT.  
01:47PM 9 AND THEN WHILE YOU'RE HERE, I WANTED TO FOLLOW UP. YOU  
01:47PM 10 SAID YOU HAD SEEN IT ON REDDIT AND SOME OTHER THREADS?  
01:47PM 11 PROSPECTIVE JUROR: UH-HUH.  
01:47PM 12 MR. COOPERSMITH: AND YOU ALSO SAID YOU DIDN'T KNOW  
01:47PM 13 THE OUTCOME OF MS. HOLMES'S CASE?  
01:47PM 14 PROSPECTIVE JUROR: NO.  
01:47PM 15 MR. COOPERSMITH: AND YOU STILL DON'T KNOW ANYTHING  
01:47PM 16 ABOUT THAT?  
01:47PM 17 PROSPECTIVE JUROR: NO.  
01:47PM 18 MR. COOPERSMITH: AND YOU SAID, IF I GOT THIS RIGHT,  
01:47PM 19 YOU REVIEWED SOME MATERIAL THAT HAD OTHER PEOPLE'S OPINIONS  
01:47PM 20 ABOUT THE CASE?  
01:47PM 21 PROSPECTIVE JUROR: YEAH. I MEAN, REDDIT WAS JUST  
01:47PM 22 OTHER PEOPLE TALKING ABOUT WHAT WAS GOING ON, AND I BARELY  
01:47PM 23 REMEMBER -- I CAN'T EVEN REMEMBER WHAT THE HEADLINE ACTUALLY  
01:47PM 24 WAS. I JUST REMEMBER SEEING PEOPLE TALKING ABOUT IT.  
01:47PM 25 BUT I REALLY DON'T REMEMBER ANYTHING ABOUT IT OTHER THAN

01:47PM 1 THE NAME, ELIZABETH HOLMES'S NAME AND THE COMPANY'S NAME.

01:47PM 2 BUT EVERYTHING OUTSIDE OF THAT I DON'T REMEMBER.

01:47PM 3 MR. COOPERSMITH: OKAY. AND DO YOU REMEMBER ANYONE  
01:47PM 4 MAKING A COMMENT OR OPINION ABOUT MR. BALWANI?

01:47PM 5 PROSPECTIVE JUROR: NO.

01:47PM 6 MR. COOPERSMITH: AND WERE THE OPINIONS, EVEN IF YOU  
01:47PM 7 CAN'T REMEMBER SPECIFICALLY, WERE THEY GENERALLY POSITIVE OR  
01:48PM 8 NEGATIVE TOWARDS MS. HOLMES?

01:48PM 9 PROSPECTIVE JUROR: I MEAN, IF I HAD TO GUESS, I  
01:48PM 10 MEAN, REDDIT TENDS TO LEAN CERTAIN WAYS, AND IF I HAD TO GUESS,  
01:48PM 11 THEY WERE NEGATIVE BECAUSE IT'S BIG CORPORATIONS AND THINGS  
01:48PM 12 LIKE THAT. THAT'S MORE COMMON TO LEAN THAT WAY, BUT I PROBABLY  
01:48PM 13 DON'T REMEMBER.

01:48PM 14 MR. COOPERSMITH: OKAY. IS THERE ANYTHING ABOUT  
01:48PM 15 THOSE OPINIONS THAT YOU THINK WOULD INFLUENCE YOU AS A JUROR OR  
01:48PM 16 ANYTHING LIKE THAT?

01:48PM 17 PROSPECTIVE JUROR: NO.

01:48PM 18 MR. COOPERSMITH: AND DO YOU UNDERSTAND THAT PEOPLE  
01:48PM 19 ON REDDIT MAY KNOW NOT WHAT THEY'RE TALKING ABOUT?

01:48PM 20 PROSPECTIVE JUROR: YES, ALL OVER. THAT'S ANY NEWS.

01:48PM 21 MR. COOPERSMITH: ALL RIGHT. THANK YOU.

01:48PM 22 MR. SCHENK: NOTHING. THANK YOU VERY MUCH.

01:48PM 23 THE COURT: THANKS VERY MUCH. THANK YOU.

01:48PM 24 (PROSPECTIVE JUROR NUMBER 195 IS NOT PRESENT.)

01:49PM 25 (PROSPECTIVE JUROR 196 IS PRESENT.)

01:49PM 1 THE COURT: HELLO. PLEASE HAVE A SEAT. THANK YOU.

01:49PM 2 WE'RE MEETING PRIVATELY WITH JUROR 196.

01:49PM 3 PROSPECTIVE JUROR: UH-HUH.

01:49PM 4 THE COURT: AND WE TALKED WITH YOU EARLIER, AND I  
01:49PM 5 THINK EITHER YOU OR I SUGGESTED WE SPEAK PRIVATELY ABOUT SOME  
01:49PM 6 OF THE ISSUES THAT WE TALKED ABOUT. I BELIEVE AT LEAST A  
01:49PM 7 COUPLE OF THE ISSUES I WANTED TO START OFF WAS YOUR KNOWLEDGE  
01:49PM 8 OF THE ELIZABETH HOLMES CASE --

01:49PM 9 PROSPECTIVE JUROR: UH-HUH.

01:49PM 10 THE COURT: -- AND ALSO YOUR KNOWLEDGE, IF ANY,  
01:49PM 11 REGARDING THE RELATIONSHIP BETWEEN MR. BALWANI AND MS. HOLMES.

01:49PM 12 PROSPECTIVE JUROR: YEP.

01:49PM 13 THE COURT: AND WHAT CAN YOU TELL US ABOUT THAT?

01:49PM 14 PROSPECTIVE JUROR: SO, AS I SAID, I DID READ A FEW  
01:49PM 15 ARTICLES BACK IN JANUARY ABOUT THE CASE, AND AT THAT TIME I WAS  
01:50PM 16 JUST READING UP ABOUT IT AND KIND OF FOLLOWING IT FOR A FEW  
01:50PM 17 DAYS.

01:50PM 18 I KNOW SHE WAS FOUND GUILTY. I KNOW THEY HAD A ROMANTIC  
01:50PM 19 RELATIONSHIP, AND I ALSO KNOW THAT SHE AT ONE POINT SAID THAT  
01:50PM 20 HE WAS ABUSIVE TOWARDS HER.

01:50PM 21 SO I KNOW THAT'S THE EXTENT OF MY KNOWLEDGE.

01:50PM 22 THE COURT: OKAY. ALL RIGHT.

01:50PM 23 AND REMIND ME, WHEN WAS THE MOST RECENT EXPOSURE, THE MOST  
01:50PM 24 RECENT TIME YOU READ --

01:50PM 25 PROSPECTIVE JUROR: ANYTHING ABOUT HER?

01:50PM 1 THE COURT: YES. DID YOU SAY JANUARY?

01:50PM 2 PROSPECTIVE JUROR: JANUARY WAS REALLY ANYTHING THAT  
01:50PM 3 I READ ABOUT IT.

01:50PM 4 BUT SINCE THEN, AS I SAID, I'VE SEEN ADS FOR THE HULU  
01:50PM 5 SHOW.

01:50PM 6 THE COURT: YES.

01:50PM 7 PROSPECTIVE JUROR: I NEVER GOT AROUND TO WATCHING  
01:50PM 8 IT.

01:50PM 9 THE COURT: OKAY. OKAY.

01:50PM 10 SO THE QUESTION IS ABOUT THAT.

01:50PM 11 PROSPECTIVE JUROR: YEAH.

01:50PM 12 THE COURT: AND WHAT EFFECT, IF ANY, DO YOU THINK IT  
01:51PM 13 WILL HAVE ON YOUR ABILITY TO SERVE AS A JUROR HERE?

01:51PM 14 PROSPECTIVE JUROR: SO THE REASON WHY I EXPRESSED  
01:51PM 15 CONCERN WAS AT THAT TIME BACK IN JANUARY WHEN I HAD READ ALL OF  
01:51PM 16 THE ARTICLES, IN MY MIND, ESPECIALLY WHEN ELIZABETH HOLMES THEY  
01:51PM 17 SAID WAS FOUND GUILTY, I HAD ALREADY FORMED AN OPINION IN MY  
01:51PM 18 HEAD ABOUT, OH, GUILT BY ASSOCIATION, RIGHT?

01:51PM 19 THE COURT: I SEE.

01:51PM 20 PROSPECTIVE JUROR: AND THEN SINCE THIS PROCESS  
01:51PM 21 STARTED, I'VE BEEN TRYING TO GIVE THE BENEFIT OF DOUBT TO SAY  
01:51PM 22 THE WHOLE INNOCENT UNTIL PROVEN GUILTY.

01:51PM 23 THE COURT: YES.

01:51PM 24 PROSPECTIVE JUROR: IT'S A PERSON'S LIFE AND SO ON  
01:51PM 25 AND SO FORTH.

01:51PM 1 AND THERE'S ALWAYS A FLAG THAT KEEPS COMING UP IN MY HEAD,  
01:51PM 2 THOUGH, ABOUT, YOU KNOW, THE WHOLE GUILT BY ASSOCIATION PROCESS  
01:51PM 3 STILL STANDS.

01:51PM 4 AND, I MEAN, THINGS HAVE COME UP FROM WAY BACK WHEN. I  
01:51PM 5 DON'T KNOW, I THINK JANUARY I VAGUELY RECALL READING SOMETHING  
01:51PM 6 ABOUT MR. BALWANI'S REPUTATION WHEN HE WAS COO OF THERANOS.

01:52PM 7 AND I JUST KEEP REMEMBERING SOME THINGS ABOUT IT, AND  
01:52PM 8 THAT'S WHY I HAD THAT CONCERN, WOULD I BE ABLE TO BE COMPLETELY  
01:52PM 9 IMPARTIAL --

01:52PM 10 THE COURT: YES, OF COURSE.

01:52PM 11 PROSPECTIVE JUROR: -- ONCE THE TRIAL IS IN PROCESS.

01:52PM 12 THE COURT: OKAY. IT SOUNDS TO ME LIKE YOU'RE  
01:52PM 13 SAYING THAT THAT MIGHT BE A CHALLENGE TO YOU?

01:52PM 14 PROSPECTIVE JUROR: THAT'S WHAT I'M SAYING, YEAH.

01:52PM 15 THE COURT: AND I LOOK AT YOUR ANSWER TO QUESTION 56  
01:52PM 16 WHICH I HAVE IN FRONT OF ME, AND I'M HAPPY TO SHARE THAT WITH  
01:52PM 17 YOU.

01:52PM 18 PROSPECTIVE JUROR: OKAY.

01:52PM 19 THE COURT: AND THIS IS A QUESTION ABOUT  
01:52PM 20 MR. BALWANI'S CULTURAL AND ETHNIC BACKGROUND, AND YOU RESPONDED  
01:52PM 21 TO THAT QUESTION. AND TELL US ABOUT THAT.

01:52PM 22 PROSPECTIVE JUROR: WELL, I MEAN, I FEEL LIKE THAT  
01:52PM 23 GIVEN THAT WE'RE BOTH OF INDIAN ORIGIN, I SHOULD HAVE SOME KIND  
01:53PM 24 OF AFFINITY TO HIS BACKGROUND, WHERE HE COMES FROM, THE  
01:53PM 25 EDUCATIONAL EXPERIENCE HE HAD, BECAUSE IT'S KIND OF SIMILAR TO

01:53PM 1 WHAT I HAD AS WELL IN TERMS OF OUR EDUCATION.

01:53PM 2 AND THEN I SEE -- SO WHAT I'M TRYING TO SAY IS THAT I FEEL  
01:53PM 3 LIKE I SHOULD HAVE SOME KIND OF AFFINITY GIVEN OUR CULTURAL  
01:53PM 4 SIMILARITIES.

01:53PM 5 AND JUST READING WHAT I WROTE HERE, I REMEMBER WHEN  
01:53PM 6 THERANOS WAS IN ITS HEYDAY SEEING ELIZABETH HOLMES AS A POPULAR  
01:53PM 7 FEMALE ENTREPRENEUR, RIGHT? BECAUSE I WAS IN SOFTWARE AND  
01:53PM 8 SEEING A POWERFUL FEMALE PERSONALITY BEING SUCCESSFUL AT THAT  
01:53PM 9 TIME WAS VERY EMPOWERING.

01:53PM 10 AND, OF COURSE, WHEN THINGS WENT SOUTH, I REMEMBER  
01:53PM 11 THINKING, OH, YOU KNOW, THAT'S TOO BAD. THAT'S -- I HAD SUCH  
01:54PM 12 HIGH HOPES FOR HER AND FOR HER COMPANY.

01:54PM 13 AND THEN IT KIND OF TOOK ON, LIKE, AN EVENT ON TO MY GREY  
01:54PM 14 SIDE, I GUESS, WITH THE WHOLE COMPANY AND THE PEOPLE ASSOCIATED  
01:54PM 15 WITH IT.

01:54PM 16 AND OF COURSE, THE JANUARY VERDICT KIND OF SEALED IT IN MY  
01:54PM 17 OPINION.

01:54PM 18 THE COURT: PARDON ME FOR INTERRUPTING.

01:54PM 19 IS IT FAIR TO SAY THAT YOUR OPINION IS A NEGATIVE ONE?

01:54PM 20 PROSPECTIVE JUROR: YEAH.

01:54PM 21 THE COURT: I SEE. ABOUT MR. BALWANI?

01:54PM 22 PROSPECTIVE JUROR: UH-HUH.

01:54PM 23 THE COURT: AND ABOUT THE COMPANY AND MS. HOLMES?

01:54PM 24 PROSPECTIVE JUROR: UH-HUH, YES. YES.

01:54PM 25 THE COURT: ALL RIGHT.

01:54PM 1 PROSPECTIVE JUROR: YES.

01:54PM 2 THE COURT: IS THERE ANY WAY THAT YOU THINK YOU  
01:54PM 3 COULD SEPARATE YOUR OPINION ABOUT THE THREE OF THEM, THAT  
01:54PM 4 TRILOGY, AND JUST FOCUS ON MR. BALWANI IN AN EFFECTIVE WAY?

01:55PM 5 PROSPECTIVE JUROR: THAT'S THE CONUNDRUM I'M IN.  
01:55PM 6 I'M TRYING TO GIVE HIM THE BENEFIT OF THE DOUBT.

01:55PM 7 THE COURT: RIGHT.

01:55PM 8 PROSPECTIVE JUROR: I'M TRYING TO SAY IT'S HIS LIFE  
01:55PM 9 AND I NEED TO BE AS IMPARTIAL AND UNBIASSED AS POSSIBLE.

01:55PM 10 AND I JUST WANT TO KIND OF STATE THAT I STILL HAVE THOSE  
01:55PM 11 FLAGS IN MY HEAD.

01:55PM 12 THE COURT: SURE. OKAY. OKAY.

01:55PM 13 PROSPECTIVE JUROR: AND I'M HUMAN. IT'S KIND OF  
01:55PM 14 HARD TO SAY, OKAY, ERASE ALL OF THOSE CONCERNS.

01:55PM 15 THE COURT: RIGHT.

01:55PM 16 PROSPECTIVE JUROR: SO I'M JUST GOING TO LAY IT ON  
01:55PM 17 THE TABLE.

01:55PM 18 THE COURT: THANK YOU. THAT'S WHY WE'RE HERE  
01:55PM 19 TALKING. THANK YOU SO MUCH. I APPRECIATE YOUR CANDOR. WE'RE  
01:55PM 20 HUMAN AND ALL HAVE CHOICES. SOME PEOPLE WEAR LOAFERS AND SOME  
01:55PM 21 WEAR LACE UP SHOES. I DON'T MEAN TO TRIVIALIZE IT, AND THAT'S  
01:55PM 22 JUST THAT WAY, RIGHT?

01:55PM 23 AND I DO WANT TO ASK YOU, YOU ALSO TOLD US YOU'RE A  
01:55PM 24 SUBSTITUTE TEACHER AND YOU HAVE SOME CHALLENGES WITH CHILDCARE;  
01:55PM 25 IS THAT RIGHT? I THINK YOU SAID YOU MIGHT BE ABLE TO GET

01:55PM 1 CARPOOLS?

01:55PM 2 PROSPECTIVE JUROR: RIGHT. I WOULD HAVE TO REQUEST  
01:56PM 3 SOME OTHER PARENTS. THEY WOULD HAVE TO GO A LITTLE BIT OUT OF  
01:56PM 4 THEIR WAY.

01:56PM 5 THE COURT: IT SOUNDS LIKE THIS IS NOT UNCOMMON,  
01:56PM 6 CARPOOLS FOR ATHLETIC EVENTS FOR HIGH SCHOOL AND MIDDLE SCHOOL.

01:56PM 7 PROSPECTIVE JUROR: IT'S NOT UNCOMMON. I'VE JUST  
01:56PM 8 NEVER DONE IT BEFORE, SO IT'S NEW TO ME.

01:56PM 9 THE COURT: OKAY. WELL, LET ME JUST TELL YOU, WHEN  
01:56PM 10 YOU DO THAT THE FIRST TIME, THE NEXT YEAR WHEN HE TURNS 14 OR  
01:56PM 11 15, THEY'LL BE LOOKING AT YOU TO TRANSPORT TO THE BASKETBALL  
01:56PM 12 AND TRACK MEETS AS WELL. THAT'S HOW IT WORKS. IT'S RECIPROCAL  
01:56PM 13 HAS BEEN MY EXPERIENCE.

01:56PM 14 ANY QUESTIONS?

01:56PM 15 MR. COOPERSMITH: NO. I DON'T HAVE ANY, YOUR HONOR.

01:56PM 16 I APPRECIATE YOUR TIME. THANK YOU.

01:56PM 17 THE COURT: ANY QUESTIONS?

01:56PM 18 MR. SCHENK: NO.

01:56PM 19 THE COURT: THANK YOU VERY MUCH. THANK YOU.

01:56PM 20 PROSPECTIVE JUROR: AND?

01:56PM 21 THE COURT: YOU'LL LEAVE THIS HERE, YEAH.

01:56PM 22 (PROSPECTIVE JUROR NUMBER 196 IS NOT PRESENT.)

01:57PM 23 (PROSPECTIVE JUROR 198 IS PRESENT.)

01:57PM 24 THE COURT: HI. THIS IS JUROR NUMBER 198. EXCUSE  
01:57PM 25 ME. WE'RE MEETING PRIVATELY WITH COUNSEL.



01:57PM 1 I BELIEVE YOU SAID THAT YOU WANTED TO TALK ABOUT SOMETHING  
01:57PM 2 PRIVATELY WITH US, JUROR NUMBER 198.

01:57PM 3 PROSPECTIVE JUROR: YEAH, IT'S A PERSONAL CONCERN  
01:57PM 4 ABOUT MY WORK.

01:57PM 5 THE COURT: YES.

01:57PM 6 PROSPECTIVE JUROR: I'M NOT TOO SURE ABOUT WHAT MY  
01:57PM 7 COMPANY THOUGHT TOWARDS THE JURY SERVICE, LIKE, IS IT PAYING?  
01:57PM 8 OR I'M NOT TOO SURE ABOUT THAT.

01:57PM 9 THE COURT: I SEE. IT SOUNDS LIKE YOU HAVE NOT  
01:57PM 10 CHECKED WITH YOUR EMPLOYER ABOUT THAT?

01:57PM 11 PROSPECTIVE JUROR: I HAVEN'T.

01:57PM 12 THE COURT: AND TELL US AGAIN YOUR EMPLOYER? IS IT  
01:57PM 13 WEB TO DOOR?

01:57PM 14 PROSPECTIVE JUROR: I WORK FOR A WEB COMPANY CALLED  
01:58PM 15 WEB TO DOOR, AND WE'RE CURRENTLY COOPERATING WITH AMAZON TO  
01:58PM 16 DELIVER PACKAGES.

01:58PM 17 BUT OUR WORKING STATION IS DIFFERENT FROM THE OFFICE. THE  
01:58PM 18 WORKING STATION ONLY HAS, LIKE, TWO DISPATCH, AND THE REST IS  
01:58PM 19 ALL, LIKE, DELIVERY WORKERS. AND I'M NOT TOO SURE WHERE THE  
01:58PM 20 ACTUAL OFFICE FOR PAPERWORK AND HR.

01:58PM 21 THE COURT: I SEE. AND YOU'VE WORKED THERE SIX  
01:58PM 22 MONTHS, OR MAYBE A LITTLE LONGER NOW?

01:58PM 23 PROSPECTIVE JUROR: SIX MONTHS, MAYBE A LITTLE  
01:58PM 24 LONGER NOW.

01:58PM 25 THE COURT: OKAY. AND YOU -- LET'S SEE. YOU DRIVE

01:58PM 1 DELIVERY?

01:58PM 2 PROSPECTIVE JUROR: YES, I DRIVE A DELIVERY VAN.

01:58PM 3 THE COURT: I SEE. OKAY.

01:58PM 4 AND SO I THINK -- IS THIS PRESENTING A FINANCIAL HARDSHIP  
01:58PM 5 THAT IS PRESENTED TO YOU IF YOU'RE SEATED AS A JUROR HERE?

01:58PM 6 PROSPECTIVE JUROR: YES, BECAUSE IF IT'S NOT A PAID  
01:58PM 7 DAY OFF, THEN I'M NOT GOING TO GET ENOUGH WORKING HOURS FOR MY  
01:59PM 8 PAYCHECK.

01:59PM 9 THE COURT: RIGHT.

01:59PM 10 PROSPECTIVE JUROR: AND THE AMOUNT I GET EVERY  
01:59PM 11 BIWEEK IS DEPENDING ON HOW MUCH HOURS I WORK.

01:59PM 12 THE COURT: AND CAN YOU TELL US YOUR LIVING  
01:59PM 13 CIRCUMSTANCES NOW? DO YOU LIVE WITH --

01:59PM 14 PROSPECTIVE JUROR: CURRENTLY I JUST LIVE WITH MY  
01:59PM 15 PARENTS.

01:59PM 16 THE COURT: OKAY. OH YES. OKAY. I SEE.

01:59PM 17 PROSPECTIVE JUROR: YEAH.

01:59PM 18 THE COURT: AND I THINK YOU WENT TO WILCOX?

01:59PM 19 PROSPECTIVE JUROR: HIGH SCHOOL.

01:59PM 20 THE COURT: IS THAT RIGHT?

01:59PM 21 PROSPECTIVE JUROR: YES.

01:59PM 22 SO I DID ATTENDEE AT DE ANZA COLLEGE, BUT I DIDN'T FINISH  
01:59PM 23 THAT AND I DIDN'T GET A DEGREE FOR THAT.

01:59PM 24 THE COURT: OKAY.

01:59PM 25 PROSPECTIVE JUROR: YEAH, I KIND OF, LIKE, STOPPED

01:59PM 1 HALFWAY THROUGH.

01:59PM 2 THE COURT: OKAY. ALL RIGHT.

01:59PM 3 AND YOU HAVEN'T CHECKED TO SEE WHETHER OR NOT YOU'LL BE  
01:59PM 4 ABLE TO GET PAY FOR THE 13 WEEKS?

02:00PM 5 PROSPECTIVE JUROR: YES.

02:00PM 6 THE COURT: AND YOU WORK FIVE DAYS A WEEK?

02:00PM 7 PROSPECTIVE JUROR: ONLY FOUR DAYS A WEEK.

02:00PM 8 THE COURT: I SEE. AND DO YOU WORK -- WHAT ARE YOUR  
02:00PM 9 HOURS TYPICALLY OF YOUR WORK SHIFT?

02:00PM 10 PROSPECTIVE JUROR: TYPICALLY 9:00 TO 7:00, TEN  
02:00PM 11 HOURS.

02:00PM 12 THE COURT: YOU WORK TEN HOURS A DAY?

02:00PM 13 PROSPECTIVE JUROR: YES.

02:00PM 14 THE COURT: WOW. OKAY. ALL RIGHT.

02:00PM 15 I DON'T HAVE ANY -- I'M SORRY?

02:00PM 16 PROSPECTIVE JUROR: MOST OF THE TIME I REPORT THERE  
02:00PM 17 AND THEN WAIT FOR THE LOADUP, AND THEN SPEND SOME TIME BETWEEN  
02:00PM 18 THE COMMUTE, LIKE FROM THE STATION TO WHERE THE ACTUAL DELIVERY  
02:00PM 19 IS.

02:00PM 20 THE COURT: YES.

02:00PM 21 PROSPECTIVE JUROR: THOSE TIMES ARE ALSO INCLUDED IN  
02:00PM 22 THE TEN HOURS OF WORKING.

02:00PM 23 THE COURT: I SEE.

02:00PM 24 PROSPECTIVE JUROR: SO THE ACTUAL DELIVERY MIGHT BE  
02:00PM 25 SEVEN OR EIGHT HOURS.

02:00PM 1 THE COURT: WOW. OKAY.

02:00PM 2 YOU GO ALL OVER?

02:00PM 3 PROSPECTIVE JUROR: USUALLY STUCK IN ONE AREA. BUT,  
02:00PM 4 LIKE, A LOT OF PEOPLE ORDER FROM AMAZON.

02:00PM 5 THE COURT: YES. THAT'S RIGHT.

02:00PM 6 I DON'T HAVE ANY ADDITIONAL QUESTIONS.

02:01PM 7 ANY QUESTIONS?

02:01PM 8 MR. COOPERSMITH: JUST REALLY BRIEFLY.

02:01PM 9 DO YOU, AND JUST SO I UNDERSTAND THIS, IF YOU -- DO YOU  
02:01PM 10 WORK EVERY SINGLE DAY, FIVE DAYS A WEEK?

02:01PM 11 PROSPECTIVE JUROR: NO.

02:01PM 12 MR. COOPERSMITH: HOW MANY DAYS A WEEK?

02:01PM 13 PROSPECTIVE JUROR: I ONLY WORK FOUR DAYS A WEEK,  
02:01PM 14 AND TYPICALLY SUNDAY, MONDAY, WEDNESDAY AND FRIDAY.

02:01PM 15 MR. COOPERSMITH: OKAY. AND THE COURT'S GENERAL  
02:01PM 16 SCHEDULE THOUGH, AS JUDGE DAVILA TOLD YOU, IT COULD CHANGE, BUT  
02:01PM 17 GENERALLY IT WOULD BE TUESDAYS, WEDNESDAYS, AND FRIDAYS.

02:01PM 18 PROSPECTIVE JUROR: YES.

02:01PM 19 MR. COOPERSMITH: AND COULD YOU REARRANGE YOUR  
02:01PM 20 SCHEDULES SO YOU COULD BE WORKING ON MONDAY, THURSDAYS, AND THE  
02:01PM 21 WEEKENDS?

02:01PM 22 PROSPECTIVE JUROR: I COULD, BUT IT'S GOING TO TAKE  
02:01PM 23 ABOUT A WEEK OR TWO TO ACTUALLY SHIFT IT.

02:01PM 24 MR. COOPERSMITH: OKAY. BUT AFTER THE WEEK OR TWO,  
02:01PM 25 IS IT EVEN POSSIBLE TO SHIFT IT?

02:01PM 1 PROSPECTIVE JUROR: YES.

02:01PM 2 MR. COOPERSMITH: YOU THINK IT WOULD BE?

02:01PM 3 PROSPECTIVE JUROR: YES.

02:01PM 4 MR. COOPERSMITH: OKAY. NOTHING ELSE, YOUR HONOR.

02:01PM 5 THE COURT: MR. SCHENK.

02:01PM 6 MR. SCHENK: IF DURING THAT WEEK OR TWO YOU DIDN'T

02:01PM 7 GET AS MANY HOURS WORKING AS YOU CURRENTLY GET, ARE THERE

02:01PM 8 THINGS THAT YOU PAY FOR RIGHT NOW THAT YOU WOULDN'T BE ABLE TO

02:02PM 9 PAY FOR?

02:02PM 10 YOU SAID YOU LIVE WITH YOUR PARENTS. DO THEY PROVIDE

02:02PM 11 FOOD? DO THEY CHARGE YOU RENT, SOME OF THOSE THINGS?

02:02PM 12 PROSPECTIVE JUROR: NOT REALLY. CURRENTLY I'M ONLY

02:02PM 13 PAYING FOR THE GAS MONEY FOR MY OWN CAR TOWARDS THE WORKING

02:02PM 14 AREA AND BETWEEN MY HOME, SO I THINK THAT WOULD BE FINE.

02:02PM 15 BUT I AM CURRENTLY SAVING UP FOR TRYING TO GET OUT OF MY

02:02PM 16 PARENTS' HOUSE, AND SO THAT MIGHT CAUSE A LITTLE BIT OF A

02:02PM 17 DELAY, BUT IT'S NOT GOING TO BE A BIG PROBLEM.

02:02PM 18 MR. SCHENK: OKAY. THANK YOU. THANK YOU.

02:02PM 19 MR. COOPERSMITH: NOTHING FURTHER, YOUR HONOR.

02:02PM 20 THE COURT: OKAY. THANK YOU VERY MUCH. YOU MAY GO

02:02PM 21 BACK. THANK YOU.

02:02PM 22 (PROSPECTIVE JUROR NUMBER 198 IS NOT PRESENT.)

02:02PM 23 MR. SCHENK: 198.

02:02PM 24 MR. COOPERSMITH: 205. THAT WAS 198.

02:02PM 25 THE COURT: 205, 207, 209 AND 210. IS THAT IT? IS

02:03PM 1 THAT AMBITIOUS?

02:03PM 2 MR. COOPERSMITH: I MEAN, 205, I FEEL LIKE SHE'S  
02:03PM 3 ALREADY ANSWERED A LOT OF QUESTIONS IN A CERTAIN WAY, SO, I  
02:03PM 4 MEAN, I DON'T KNOW IF IT'S NECESSARY. BUT OBVIOUSLY WE'RE HERE  
02:03PM 5 IF YOU WANT TO.

02:03PM 6 THE COURT: SO ARE THE REMAINING THEN 207, 209, AND  
02:03PM 7 210? IS THAT RIGHT?

02:03PM 8 (PROSPECTIVE JUROR 205 IS PRESENT.)

02:03PM 9 PROSPECTIVE JUROR: I WAS SLEEPING.

02:03PM 10 THE COURT: WELL, THANK YOU FOR COMING IN, JUROR  
02:03PM 11 205. WE APPRECIATE IT.

02:03PM 12 WE JUST WANTED TO ASK SOME FOLLOW-UP QUESTIONS IN REGARDS  
02:03PM 13 TO THE ANSWERS THAT YOU GAVE OUTSIDE.

02:03PM 14 AND I THINK YOU RAISED A HAND. PERHAPS THE MOST CRITICAL  
02:03PM 15 QUESTION WAS ONE OF THE LAWYERS ASKED YOU WHETHER OR NOT, BASED  
02:03PM 16 ON YOUR KNOWLEDGE OF THIS CASE AND YOUR EXPOSURE TO ISSUES  
02:03PM 17 ATTENDANT TO IT, WHETHER OR NOT YOU COULD BE FAIR AND IMPARTIAL  
02:03PM 18 AND IF IT MIGHT CLOUD YOUR ABILITY TO DO THAT.

02:04PM 19 AND I THINK YOU RAISED YOUR HAND IN THAT QUESTION.

02:04PM 20 COULD YOU JUST SHARE WITH US BRIEFLY A LITTLE BIT ABOUT  
02:04PM 21 THAT?

02:04PM 22 PROSPECTIVE JUROR: YEAH. THE TIKTOK -- I'M SORRY,  
02:04PM 23 NOT THE TIKTOK. I'M STILL SLEEPING.

02:04PM 24 THE "TED TALK" THAT I WATCHED ABOUT A YEAR AGO --

02:04PM 25 THE COURT: UH-HUH.

02:04PM 1 PROSPECTIVE JUROR: -- KIND OF SKEWED MY VIEW ON IT.  
02:04PM 2 SHE WAS A WHISTLEBLOWER. IT WOULD BE HARD FOR ME TO BE  
02:04PM 3 OBJECTIVE AFTER WATCHING THAT.  
02:04PM 4 THE COURT: OKAY. OBJECTIVE TO -- ABOUT THE CASE  
02:04PM 5 ITSELF AND THE PARTIES?  
02:04PM 6 PROSPECTIVE JUROR: YEAH.  
02:04PM 7 THE COURT: AND IN THIS CASE, PARTICULARLY  
02:04PM 8 MR. BALWANI? THAT'S WHAT WE'RE HERE ABOUT.  
02:04PM 9 PROSPECTIVE JUROR: YEAH.  
02:04PM 10 THE COURT: OKAY. DO YOU THINK THAT, BECAUSE OF  
02:04PM 11 WHAT YOU HAVE SEEN, HEARD, WATCHED AND LISTENED TO, DO YOU  
02:04PM 12 THINK YOU HAVE A PERSONAL OPINION NOW ABOUT THE CASE THAT IT  
02:04PM 13 WOULD BE VERY DIFFICULT FOR YOU TO DEPART FROM TO SIT?  
02:04PM 14 PROSPECTIVE JUROR: I THINK IT WOULD. I WOULD HAVE  
02:04PM 15 A PROBLEM BEING OBJECTIVE.  
02:05PM 16 THE COURT: OKAY.  
02:05PM 17 ANY QUESTIONS?  
02:05PM 18 MR. COOPERSMITH: NOTHING FURTHER, YOUR HONOR.  
02:05PM 19 MR. SCHENK: NO.  
02:05PM 20 THE COURT: THANK YOU SO MUCH. I APPRECIATE IT.  
02:05PM 21 MR. COOPERSMITH: I APPRECIATE IT. HAVE A NICE DAY.  
02:05PM 22 PROSPECTIVE JUROR: YOU, TOO.  
02:05PM 23 (PROSPECTIVE JUROR 205 IS NOT PRESENT.)  
02:05PM 24 MR. COOPERSMITH: YOUR HONOR, AND JUST TO BE  
02:05PM 25 ACCURATE, I DID NOT HAVE 209 AS SOMEONE ON MY LIST AS SOMEONE

02:05PM 1 WHO RAISED THEIR HAND AS SOMEONE WHO WANTED TO TALK.

02:05PM 2 I DO NOTE THAT 209 WAS SOMEONE WHO SAID SHE KNEW ABOUT THE  
02:05PM 3 OUTCOME OF THE CASE.

02:05PM 4 THE COURT: RIGHT. SHE SAID SHE KNEW ABOUT THE  
02:05PM 5 OUTCOME, RIGHT.

02:05PM 6 MR. COOPERSMITH: AND ALSO KNEW ABOUT THE  
02:05PM 7 RELATIONSHIP.

02:05PM 8 THE COURT: RIGHT.

02:05PM 9 MR. COOPERSMITH: SO THAT'S FINE. IT WOULD BE WISE,  
02:05PM 10 I THINK.

02:05PM 11 THE CLERK: NUMBER 207.

02:05PM 12 THE COURT: OKAY.

02:05PM 13 (PROSPECTIVE JUROR 207 IS PRESENT.)

02:05PM 14 THE COURT: THANK YOU. WE'RE MEETING PRIVATELY.  
02:05PM 15 THANK YOU FOR YOUR PATIENCE. I APPRECIATE THAT.

02:05PM 16 I BELIEVE YOU ASKED TO SPEAK PRIVATELY.

02:05PM 17 PROSPECTIVE JUROR: YES, YOU WERE ASKING ME IF A  
02:06PM 18 WITNESS OR A DEFENDANT AND I COULD TALK ABOUT IT.

02:06PM 19 THE COURT: YES.

02:06PM 20 PROSPECTIVE JUROR: I WAS A DEFENDANT IN A CRIMINAL  
02:06PM 21 THING ABOUT 12 YEARS AGO. I WAS A DEFENDANT IN A CASE IN THE  
02:06PM 22 STATE OF NEW JERSEY. IT WAS MULTIPLE VEHICLE VIOLATIONS, BUT  
02:06PM 23 IT WAS 12 YEARS AGO.

02:06PM 24 THE COURT: OKAY.

02:06PM 25 AND DO YOU THINK YOU WERE TREATED FAIRLY IN THAT



02:06PM 1 SITUATION?

02:06PM 2 PROSPECTIVE JUROR: YES, I WAS TREATED VERY FAIRLY.

02:06PM 3 THE COURT: ALL RIGHT. THANK YOU.

02:06PM 4 IS THERE ANYTHING ABOUT THAT EXPERIENCE THAT AFFECTS YOU  
02:06PM 5 TO BE A JUROR HERE IN THIS CASE?

02:06PM 6 PROSPECTIVE JUROR: NO.

02:06PM 7 THERE'S A SECOND TOPIC I WANTED TO DISCUSS.

02:06PM 8 THE COURT: YES.

02:06PM 9 PROSPECTIVE JUROR: BASICALLY I DON'T THINK ANYTHING  
02:06PM 10 ABOUT MY JUDGMENT, HOWEVER, I'M HANDLING A LOT OF THINGS IN MY  
02:06PM 11 PRIVATE LIFE AND WORK LIFE, SO I'M NOT SURE I'LL HAVE ENOUGH  
02:06PM 12 ENERGY TO BE VERY EFFECTIVE BECAUSE I'M A SINGLE FATHER OF TWO  
02:06PM 13 KIDS.

02:06PM 14 THE COURT: YES.

02:06PM 15 PROSPECTIVE JUROR: I MANAGE A DOZEN PEOPLE AT WORK.

02:07PM 16 THE COURT: YES.

02:07PM 17 PROSPECTIVE JUROR: AND ALSO JUST RECENT EVENTS IN  
02:07PM 18 MY LIFE, I'M KIND OF HANDLING A FUNERAL FOR MY EX-WIFE. SO AT  
02:07PM 19 THE MOMENT IT'S KIND OF A LOT ON MY PLATE.

02:07PM 20 THE COURT: YES.

02:07PM 21 PROSPECTIVE JUROR: AND I'M JUST A LITTLE BIT  
02:07PM 22 WORRIED ABOUT MY CAPACITY TO SERVE.

02:07PM 23 THE COURT: SURE. NOW, YOU HAVE I THINK SONS.

02:07PM 24 PROSPECTIVE JUROR: I HAVE TWO SONS, 17 AND 18.

02:07PM 25 THE COURT: 17 AND 18.

02:07PM 1 PROSPECTIVE JUROR: THEY'RE QUITE OLD.

02:07PM 2 THE COURT: AND MY SENSE IS THAT THEY'RE ABLE TO  
02:07PM 3 MANAGE SOMEWHAT ON THEIR OWN.

02:07PM 4 PROSPECTIVE JUROR: THEY ARE QUITE INDEPENDENT. AS  
02:07PM 5 I SAID, I DO NEED TO PROVIDE SUPPORT AND MORAL SUPPORT BECAUSE  
02:07PM 6 THEIR MOTHER DIED THREE WEEKS AGO.

02:07PM 7 THE COURT: I SEE.

02:07PM 8 ARE THEY BACK IN SCHOOL NOW?

02:07PM 9 PROSPECTIVE JUROR: YES, THEY ARE BACK IN SCHOOL.

02:07PM 10 THE COURT: OKAY. AND DO THEY PARTICIPATE IN ANY  
02:07PM 11 EXTRACURRICULAR ACTIVITIES?

02:07PM 12 PROSPECTIVE JUROR: NO.

02:07PM 13 THE COURT: AFTER SCHOOL OR ANYTHING?

02:08PM 14 PROSPECTIVE JUROR: NO.

02:08PM 15 THE COURT: CLUBS OR ANYTHING?

02:08PM 16 PROSPECTIVE JUROR: NO.

02:08PM 17 THE COURT: THEY JUST STUDY?

02:08PM 18 PROSPECTIVE JUROR: EWH.

02:08PM 19 THE COURT: THAT'S A PARENT'S RESPONSE.

02:08PM 20 PROSPECTIVE JUROR: YES, I HAVE SOME MEANS TO  
02:08PM 21 ENTERTAIN THEM.

02:08PM 22 THE COURT: AND AT WORK I THINK YOU'RE A MANAGER AND  
02:08PM 23 YOU HAVE TEN OR MORE --

02:08PM 24 PROSPECTIVE JUROR: I HAVE ABOUT A DOZEN EMPLOYEES.

02:08PM 25 THE COURT: RIGHT. AND YOU HAVE SOMEONE WHO ASSISTS

02:08PM 1 YOU IN THAT CAPACITY AS WELL?

02:08PM 2 PROSPECTIVE JUROR: I DO HAVE MY MANAGER. HOWEVER,  
02:08PM 3 USUALLY I NEED TO SPEND LIKE AN HOUR PER EACH EMPLOYEE PER  
02:08PM 4 WEEK, AND MY MANAGER IS GOING TO DO IT DOUBLE BECAUSE IT WOULD  
02:08PM 5 BE 50 PEOPLE AND MY PEOPLE -- AND IT MIGHT, BECAUSE OF THE  
02:08PM 6 LENGTH OF THE PROCESS, IT MIGHT IMPACT MY CAREER AS WELL AS THE  
02:08PM 7 CAREER OF MY EMPLOYEES.

02:08PM 8 THE COURT: AND YOU KNOW OUR SCHEDULE THREE DAYS A  
02:08PM 9 WEEK, THERE'S TWO DAYS THAT YOU WOULD BE ABLE TO GO TO WORK.  
02:08PM 10 WE FINISH ABOUT 3:00 O'CLOCK AS WELL.

02:08PM 11 PROSPECTIVE JUROR: I'LL HAVE TO WORK FIVE DAYS.

02:08PM 12 THE COURT: OKAY.

02:08PM 13 PROSPECTIVE JUROR: BUT THAT'S WHY I WAS BRINGING IN  
02:09PM 14 MY CAPACITY AND JUST THE WHOLE CAPACITY.

02:09PM 15 THE COURT: I SEE. ALL RIGHT. THANK YOU.

02:09PM 16 MR. COOPERSMITH.

02:09PM 17 MR. COOPERSMITH: OH. THANK YOU.

02:09PM 18 ARE YOU COMFORTABLE IF I TAKE OFF MY MASK?

02:09PM 19 PROSPECTIVE JUROR: OH.

02:09PM 20 MR. COOPERSMITH: THANK YOU. I APPRECIATE IT.

02:09PM 21 THANK YOU FOR COMING IN. AS I SAID OUT THERE IN THE  
02:09PM 22 PUBLIC SESSION, THERE'S NO WRONG ANSWERS HERE. IT'S JUST  
02:09PM 23 TRYING TO UNDERSTAND SOME THINGS.

02:09PM 24 AND I'M VERY SORRY ABOUT YOUR EX-WIFE PASSING AWAY, BY THE  
02:09PM 25 WAY. IT MUST BE HARD FOR YOU AND YOUR BOYS.

02:09PM 1 PROSPECTIVE JUROR: YES.

02:09PM 2 MR. COOPERSMITH: I'M SORRY TO HEAR THAT.

02:09PM 3 ON THIS CASE, I KNOW THAT YOU SAID IN YOUR QUESTIONNAIRE  
02:09PM 4 THAT YOU DIDN'T READ OR WATCH "BAD BLOOD" OR "THE INVENTOR."

02:09PM 5 PROSPECTIVE JUROR: I HEARD ABOUT THE BOOK, BUT I  
02:09PM 6 DON'T THINK I -- THE MOST SOURCE OF INFORMATION THAT I HAD  
02:09PM 7 ABOUT THE COMPANY AND THE TRIAL WAS MOSTLY RADIO AND ARTICLES  
02:09PM 8 ON THE INTERNET.

02:09PM 9 MR. COOPERSMITH: OKAY. AND DID YOU SEEK OUT THOSE  
02:09PM 10 ARTICLES TO LEARN MORE ABOUT THE CASE, OR DID THEY JUST HAPPEN  
02:09PM 11 TO --

02:09PM 12 PROSPECTIVE JUROR: IT WAS PREVIOUS TO. BASICALLY  
02:09PM 13 IT WAS BEFORE. I WAS FOLLOWING THE COMPANY SINCE ITS INCEPTION  
02:09PM 14 UNTIL ITS DEMISE BECAUSE IT WAS A POPULAR TOPIC IN THE TECH  
02:10PM 15 WORLD AND IT WAS A QUITE INTERESTING CASE.

02:10PM 16 BUT AFTER THAT, THE ONLY REMINDERS I HAD WAS THE  
02:10PM 17 ELIZABETH HOLMES CASE, AND I THINK IT WAS LAST YEAR WAS THE  
02:10PM 18 TRIAL.

02:10PM 19 BUT I DIDN'T -- I JUST HEARD ABOUT IT AND I DIDN'T GO OUT  
02:10PM 20 AND FIND THIS NEW HULU SHOW AND ADVERTISEMENT. I DIDN'T.

02:10PM 21 MR. COOPERSMITH: OKAY. WHEN THERANOS WAS AN  
02:10PM 22 OPERATING COMPANY AND THEN WHEN IT WAS NO LONGER AN OPERATING  
02:10PM 23 COMPANY, YOU FOLLOWED THAT STORY; IS THAT --

02:10PM 24 PROSPECTIVE JUROR: YEAH, I FOLLOWED THAT STORY.

02:10PM 25 MR. COOPERSMITH: OKAY. AND YOU WERE INTERESTED

02:10PM 1 ENOUGH THAT YOU WENT AND TRIED TO FIND INFORMATION ABOUT THAT?

02:10PM 2 PROSPECTIVE JUROR: I READ A COUPLE OF ARTICLES.

02:10PM 3 MR. COOPERSMITH: YOU READ SOME ARTICLES.

02:10PM 4 PROSPECTIVE JUROR: AND MY FRIENDS AND COLLEAGUES

02:10PM 5 WERE SHARING IT.

02:10PM 6 MR. COOPERSMITH: OKAY.

02:10PM 7 PROSPECTIVE JUROR: AND JUST I READ ABOUT THE

02:10PM 8 PERSON.

02:10PM 9 AND ALSO I THINK THE BIGGEST SOURCE OF INFORMATION WAS

02:10PM 10 NPR.

02:10PM 11 MR. COOPERSMITH: NPR.

02:10PM 12 PROSPECTIVE JUROR: SEVERAL EDITORIALS. SO, YES,

02:11PM 13 BASICALLY THAT WAS THE MAIN SOURCE OF INFORMATION FOR ME

02:11PM 14 BECAUSE IT WAS A HOT TOPIC.

02:11PM 15 MR. COOPERSMITH: OKAY. AND IF YOU WERE DRIVING

02:11PM 16 SOMEWHERE AND NPR WAS ON THE RADIO AND A STORY CAME ON ABOUT

02:11PM 17 THERANOS, LET'S SAY, LATER TODAY OR TOMORROW, WHAT WOULD YOU

02:11PM 18 DO.

02:11PM 19 PROSPECTIVE JUROR: I WOULD SWITCH IT OFF.

02:11PM 20 MR. COOPERSMITH: SWITCH IT OFF.

02:11PM 21 PROSPECTIVE JUROR: BECAUSE RIGHT NOW I MANAGE TO

02:11PM 22 IGNORE ALL OF THESE ADVERTISEMENTS FOR HULU.

02:11PM 23 MR. COOPERSMITH: OKAY. AND DO YOU KNOW WHAT

02:11PM 24 HAPPENED TO MS. HOLMES, WHAT THE OUTCOME OF HER CASE WAS?

02:11PM 25 PROSPECTIVE JUROR: ACTUALLY I DIDN'T FOLLOW THE

02:11PM 1 TRIAL. I HEARD JUST SOME VERY HIGH LEVEL, BUT I DIDN'T DIG  
02:11PM 2 INTO IT.

02:11PM 3 MR. COOPERSMITH: WHAT WERE THE HIGH LEVEL UPDATES  
02:11PM 4 THAT YOU HEARD?

02:11PM 5 PROSPECTIVE JUROR: UM, I THINK SHE'S STILL GOING  
02:11PM 6 THROUGH --

02:11PM 7 MR. COOPERSMITH: I'M SORRY, I DIDN'T HEAR.

02:11PM 8 PROSPECTIVE JUROR: I BELIEVE THERE'S GOING TO BE  
02:11PM 9 SOME FOLLOWUP ACTION.

02:11PM 10 MR. COOPERSMITH: FOLLOW UP.

02:11PM 11 PROSPECTIVE JUROR: BUT I DON'T REMEMBER THE EXACT  
02:11PM 12 DETAILS.

02:11PM 13 MR. COOPERSMITH: AND WHEN YOU WERE FOLLOWING THE  
02:12PM 14 CASE AND THE COMPANY AND ITS DEMISE I THINK YOU SAID, DID YOU  
02:12PM 15 FORM ANY OPINION ABOUT IF THE COMPANY DID SOMETHING WRONG OR  
02:12PM 16 NOT OR LIKE WHAT HAPPENED?

02:12PM 17 PROSPECTIVE JUROR: IF YOU'RE TALKING ABOUT THE  
02:12PM 18 COMPANY AND NOT ABOUT MR. BALWANI.

02:12PM 19 MR. COOPERSMITH: RIGHT.

02:12PM 20 PROSPECTIVE JUROR: YEAH, I THINK THE COMPANY DID  
02:12PM 21 SOME KIND OF -- THEY DIDN'T DELIVER ON PROMISES.

02:12PM 22 MR. COOPERSMITH: OKAY.

02:12PM 23 PROSPECTIVE JUROR: IT'S COMMON FOR STARTUPS.

02:12PM 24 THE WAY THEY -- I DIDN'T DIG MUCH INTO IT. I READ SOME  
02:12PM 25 ARTICLE, I THINK ONE ARTICLE ABOUT THE SCIENTIFIC LIKE BASIS

02:12PM 1 FOR THE TESTS, AND IT WAS NOT EXACTLY A PROBLEM BASIS.

02:12PM 2 MR. COOPERSMITH: YEAH.

02:12PM 3 PROSPECTIVE JUROR: I THINK KIND OF I HAVE MY  
02:12PM 4 OPINION, BUT THE STARTUP DIDN'T WORK OUT.

02:12PM 5 MR. COOPERSMITH: WHAT IS YOUR OPINION?

02:12PM 6 PROSPECTIVE JUROR: IT DIDN'T WORK, AND BASICALLY IT  
02:12PM 7 HAPPENS OFTEN THAT THEY TRY TO OVERPROMISE BECAUSE IT'S A  
02:12PM 8 STARTUP WORLD, AND NOT ALWAYS DELIVER.

02:13PM 9 SO IT -- I THINK THEY MIGHT HAVE TRIED TO SELL SOMETHING  
02:13PM 10 OR PROVIDE SOME INFORMATION WHICH WAS NOT EXACTLY TRUE TO THE  
02:13PM 11 INVESTORS --

02:13PM 12 MR. COOPERSMITH: OKAY.

02:13PM 13 PROSPECTIVE JUROR: -- OF THE COMPANY. SO WHAT IS  
02:13PM 14 THE ROLE OF, LIKE, THE MAIN PARTICIPANTS, MS. HOLMES OR  
02:13PM 15 MR. BALWANI? I DON'T KNOW WHAT IS EXACTLY THEIR OWN -- WHAT  
02:13PM 16 WAS THEIR PERSONAL ACTIONS WHICH LED TO THIS OUTCOME.

02:13PM 17 MR. COOPERSMITH: OKAY.

02:13PM 18 AND YOU'RE -- IT SOUNDS LIKE YOU'RE FAMILIAR WITH STARTUPS  
02:13PM 19 THAT SOMETIMES OVERPROMISE AND THEY DON'T END UP DELIVERING?

02:13PM 20 PROSPECTIVE JUROR: YEAH, SOME OF MY FRIENDS ARE IN  
02:13PM 21 THE STARTUP WORLD.

02:13PM 22 MR. COOPERSMITH: OKAY.

02:13PM 23 PROSPECTIVE JUROR: I'M MORE INVOLVED IN THE  
02:13PM 24 CORPORATIONS. I WORK IN HIGH TECH ALSO.

02:13PM 25 MR. COOPERSMITH: AND IN YOUR MIND, IS THERE A

02:13PM 1 DIFFERENCE BETWEEN SORT OF THE TYPICAL STARTUP THAT  
02:13PM 2 OVERPROMISES AND DOESN'T DELIVER VERSUS A COMPANY THAT, LIKE,  
02:14PM 3 LIED TO PEOPLE OR DEFRAUDED PEOPLE? IS THERE A DIFFERENCE  
02:14PM 4 BETWEEN THAT OR IS IT THE SAME THING?

02:14PM 5 PROSPECTIVE JUROR: I THINK IT DEPENDS ON THE LEGAL  
02:14PM 6 DEFINITION AND THE OUTCOME, BECAUSE IN THIS SITUATION IT'S A  
02:14PM 7 MEDICAL FIELD AND IT'S REGULATED DIFFERENTLY FROM JUST IF I  
02:14PM 8 DON'T KNOW IF IT CAN DELIVER THE PROMISES.

02:14PM 9 SO THE TYPE OF THE COMPANY MATTERS IN THIS CASE.

02:14PM 10 MR. COOPERSMITH: SO THE TYPE OF COMPANY IN THE  
02:14PM 11 MEDICAL FIELD, WHY DOES THAT MATTER?

02:14PM 12 PROSPECTIVE JUROR: BECAUSE I THINK IT MIGHT BE  
02:14PM 13 REGULATED DIFFERENTLY.

02:14PM 14 MR. COOPERSMITH: I SEE.

02:14PM 15 PROSPECTIVE JUROR: AND ALSO IT'S A QUESTION RELATED  
02:14PM 16 TO HEALTH, AND HEALTH AND CONSEQUENCES CAN BE MUCH MORE SERIOUS  
02:14PM 17 COMPARED TO NONMEDICAL FIELD STARTUPS.

02:14PM 18 MR. COOPERSMITH: OKAY. SO BASED ON ALL OF THAT --  
02:14PM 19 AND THANK YOU FOR THE EXPLANATION, I APPRECIATE IT -- DOES THAT  
02:15PM 20 GIVE YOU A MORE NEGATIVE VIEW OF THERANOS THAN YOU HAVE OF ANY  
02:15PM 21 OTHER STARTUP IN SILICON VALLEY OR ELSEWHERE?

02:15PM 22 PROSPECTIVE JUROR: AS A COMPANY, YES, I THINK.

02:15PM 23 MR. COOPERSMITH: OKAY.

02:15PM 24 PROSPECTIVE JUROR: BECAUSE AS I SAID, A LOT OF  
02:15PM 25 STARTUPS LIE TO GET FUNDING OR TO BASICALLY TO PAINT A



02:15PM 1 DIFFERENT IMAGE OF THEMSELVES.

02:15PM 2 BUT IN THIS CASE OF THERANOS, IT WAS, LIKE, LIED TO THE  
02:15PM 3 PATIENTS, WHICH COULD HAVE NEGATIVE CONSEQUENCES.

02:15PM 4 MR. COOPERSMITH: I SEE. OKAY.

02:15PM 5 DO YOU HAVE ANY VIEW ABOUT WHETHER MR. BALWANI DID  
02:15PM 6 ANYTHING WRONG BASED ON THE FACT THAT HE WAS AN EXECUTIVE TO  
02:15PM 7 THERANOS.

02:15PM 8 PROSPECTIVE JUROR: I NEED TO SEE THE FACTS  
02:15PM 9 PRESENTED.

02:15PM 10 MR. COOPERSMITH: RIGHT, RIGHT.

02:15PM 11 PROSPECTIVE JUROR: I WAS TALKING ABOUT THE COMPANY.

02:15PM 12 MR. COOPERSMITH: OKAY.

02:15PM 13 PROSPECTIVE JUROR: I WAS NOT TALKING ABOUT THE  
02:15PM 14 INDIVIDUALS.

02:15PM 15 MR. COOPERSMITH: SO SOMEONE COULD WORK FOR A  
02:15PM 16 COMPANY AND NOT NECESSARILY HAVE THE SAME LEVEL OF  
02:16PM 17 RESPONSIBILITY AS THE COMPANY HAS? IS THAT --

02:16PM 18 PROSPECTIVE JUROR: A COMPANY -- LEADERSHIP HAS  
02:16PM 19 SHARED RESPONSIBILITY.

02:16PM 20 BUT WHAT WAS THE EXACT, YOU KNOW, RESPONSIBILITY OR  
02:16PM 21 WRONGDOING BY A PARTICULAR PERSON, WE NEED TO SEE THE FACTS.

02:16PM 22 MR. COOPERSMITH: OKAY. AND GOING BACK TO THERANOS  
02:16PM 23 AS A COMPANY, DO YOU THINK YOU COULD PUT OUT OF YOUR MIND LIKE  
02:16PM 24 WHAT YOU HEARD AND READ ABOUT THERANOS AND JUST LOOK AT IT FROM  
02:16PM 25 A CLEAN SLATE?

02:16PM 1 BECAUSE AT THE BEGINNING OF THIS TRIAL, THE ONLY THING  
02:16PM 2 THAT WILL BE IMPORTANT IS THE EVIDENCE IN THE COURTROOM. AND  
02:16PM 3 RIGHT NOW, AS WE'RE SPEAKING, THERE'S NO EVIDENCE IN THE  
02:16PM 4 COURTROOM THAT THERANOS DID ANYTHING WRONG OR OVERPROMISED  
02:16PM 5 ANYBODY OR ANYTHING LIKE THAT, RIGHT?

02:16PM 6 SO THAT'S WHERE WE'RE STARTING, RIGHT? AND MAYBE THAT  
02:16PM 7 EVIDENCE WILL COME IN, AND MAYBE IT WON'T.

02:16PM 8 BUT DO YOU THINK THAT YOU COULD PUT EVERYTHING ELSE ASIDE  
02:16PM 9 AND JUST LOOK AT THIS AS IF YOU HAVE NEVER HEARD OF THE COMPANY  
02:16PM 10 AT ALL AND YOU'RE LEARNING OF IT FOR THE FIRST TIME? IS THAT  
02:16PM 11 EVEN POSSIBLE FOR YOU?

02:17PM 12 PROSPECTIVE JUROR: I WILL TRY.

02:17PM 13 BUT AS I SAID, I ALREADY HAVE SOME PREVIOUS KNOWLEDGE  
02:17PM 14 WHICH I DON'T BELIEVE IT WILL IMPACT MY OPINION OR MY ABILITY  
02:17PM 15 TO UNDERSTAND AND EVALUATE THE FACTS ABOUT MR. BALWANI'S  
02:17PM 16 RESPONSIBILITY AND PART TO THERANOS.

02:17PM 17 I THINK MY OPINION ABOUT THE COMPANY MIGHT BE ONE THING.

02:17PM 18 AND THE OPINION ABOUT THE PERSON, I THINK I AM OPEN TO NEW  
02:17PM 19 FACTS DISREGARDING THE PREVIOUS KNOWLEDGE.

02:17PM 20 MR. COOPERSMITH: BUT YOU WOULD LEARN, IF YOU WERE A  
02:17PM 21 JUROR IN THIS CASE, THAT MR. BALWANI WAS THE CHIEF OPERATING  
02:17PM 22 OFFICER.

02:17PM 23 PROSPECTIVE JUROR: YES.

02:17PM 24 MR. COOPERSMITH: SO DOES THAT AFFECT YOUR VIEW HOW  
02:17PM 25 YOU COULD SEPARATE, IF AT ALL, MR. BALWANI FROM THE COMPANY IF

02:17PM 1 HE WAS IN A SENIOR POSITION LIKE THAT?

02:17PM 2 PROSPECTIVE JUROR: I WILL TRY TO DO MY BEST TO  
02:17PM 3 SEPARATE THIS AND BE UNBIASSED.

02:17PM 4 MR. COOPERSMITH: OKAY. AND DO YOU HAVE SOME DOUBT  
02:17PM 5 OR RESERVATION ABOUT THAT? I MEAN, I'M JUST ASKING YOU BECAUSE  
02:18PM 6 IT'S JUST IMPORTANT THAT WE KNOW. IT'S NOT A RIGHT OR WRONG  
02:18PM 7 ANSWER. IT'S FINE EITHER WAY.

02:18PM 8 PROSPECTIVE JUROR: I THINK HIGHLY I WILL BE ABLE TO  
02:18PM 9 SEPARATE THE COMPANY AND PREVIOUS FACTS WHICH I KNOW ABOUT THE  
02:18PM 10 COMPANY FROM THIS PARTICULAR TRIAL.

02:18PM 11 I'VE HAD A LOT OF TRAINING IN UNBIASSING MYSELF, AND I  
02:18PM 12 HAVE A LOT OF TRAINING AND ADDITIONS.

02:18PM 13 MR. COOPERSMITH: AND WHAT IS THAT TRAINING?

02:18PM 14 PROSPECTIVE JUROR: USUALLY IT'S PERFORMANCE RELATED  
02:18PM 15 REVIEWS AND OTHER THINGS, AND A LOT OF OTHER THINGS TO THE  
02:18PM 16 COMPANY'S FUNCTIONING THAT I'M WORKING FOR. BUT MOSTLY IT'S  
02:18PM 17 RELATED TO PERFORMANCE REVIEWS.

02:18PM 18 MR. COOPERSMITH: SO WHEN YOU WRITE A PERFORMANCE  
02:18PM 19 REVIEW FOR SOMEONE, YOU TRY TO PUT THINGS ASIDE THAT DON'T  
02:18PM 20 DIRECTLY RELATE?

02:18PM 21 PROSPECTIVE JUROR: PUT THINGS ASIDE, AND ALSO  
02:18PM 22 HISTORICAL THINGS TO MOVE TO THE EXTENT THAT THEY CAN BE  
02:19PM 23 ACKNOWLEDGED AND SO ON AND SO FORTH.

02:19PM 24 MR. COOPERSMITH: ALL RIGHT. THANK YOU.

02:19PM 25 THAT'S ALL I HAVE.

02:19PM 1 THE COURT: MR. SCHENK?

02:19PM 2 MR. SCHENK: NO. THANK YOU.

02:19PM 3 THE COURT: THANK YOU VERY MUCH.

02:19PM 4 PROSPECTIVE JUROR: THANK YOU.

02:19PM 5 MR. COOPERSMITH: THANK YOU.

02:19PM 6 (PROSPECTIVE JUROR NUMBER 207 IS NOT PRESENT.)

02:19PM 7 (PROSPECTIVE JUROR NUMBER 210 IS PRESENT.)

02:19PM 8 THE COURT: GOOD AFTERNOON. THANK YOU. PLEASE BE

02:19PM 9 SEATED.

02:19PM 10 AND WE ARE IN A PRIVATE SESSION WITH COUNSEL.

02:19PM 11 THANK YOU, SIR, FOR MEETING WITH US. WE WANTED TO ASK YOU

02:19PM 12 SOME QUESTIONS.

02:19PM 13 YOU HAVE TOLD US THAT YOU ARE AWARE OF THE OUTCOME OF

02:20PM 14 MS. HOLMES'S CASE, AS WELL AS THE RELATIONSHIP BETWEEN

02:20PM 15 MS. HOLMES AND MR. BALWANI. I THINK YOU --

02:20PM 16 PROSPECTIVE JUROR: YES.

02:20PM 17 THE COURT: -- YOU MENTIONED THAT.

02:20PM 18 PROSPECTIVE JUROR: AND I ALSO SAID THAT SOME OF THE

02:20PM 19 ANSWERS IN MY QUESTIONNAIRE --

02:20PM 20 THE COURT: YES.

02:20PM 21 PROSPECTIVE JUROR: -- I WAS JUST KIND OF FOCUSSED

02:20PM 22 ON BALWANI. AND THE NAME WASN'T TOO FAMILIAR, BUT SOME OF THE

02:20PM 23 THINGS I MIGHT HAVE SAID I DIDN'T KNOW ABOUT THE CASE, SO I WAS

02:20PM 24 NOT CORRECT.

02:20PM 25 THE COURT: SO YOU WERE NOT CORRECT ABOUT --

02:20PM 1 PROSPECTIVE JUROR: THE FACT THAT I MAY HAVE  
02:20PM 2 ANSWERED SOME QUESTION SAYING THAT I DID NOT KNOW ABOUT THE  
02:20PM 3 CASE.  
02:20PM 4 THE COURT: YOU DID NOT KNOW. I SEE.  
02:20PM 5 PROSPECTIVE JUROR: BUT ACTUALLY I DID KNOW ABOUT  
02:20PM 6 IT.  
02:20PM 7 THE COURT: YOU KNEW?  
02:20PM 8 PROSPECTIVE JUROR: I DID NOT PUT BALWANI AND HOLMES  
02:20PM 9 TOGETHER.  
02:20PM 10 THE COURT: I SEE.  
02:20PM 11 SO YOU KNEW ABOUT ELIZABETH HOLMES'S CASE?  
02:20PM 12 PROSPECTIVE JUROR: YEAH.  
02:20PM 13 THE COURT: BUT YOU HADN'T CONNECTED MR. BALWANI TO  
02:20PM 14 THAT CASE?  
02:20PM 15 PROSPECTIVE JUROR: YEAH.  
02:20PM 16 THE COURT: AND WAS THE FIRST TIME THAT YOU MADE  
02:20PM 17 THAT CONNECTION WHEN YOU --  
02:21PM 18 PROSPECTIVE JUROR: I MEAN, I PAID ATTENTION TO THE  
02:21PM 19 NAME BALWANI.  
02:21PM 20 THE COURT: YOU PAID ATTENTION?  
02:21PM 21 PROSPECTIVE JUROR: I NEVER PAID ATTENTION TO THE  
02:21PM 22 NAME BALWANI IN THE PAST.  
02:21PM 23 THE COURT: I SEE, IN THE PAST?  
02:21PM 24 PROSPECTIVE JUROR: YEAH.  
02:21PM 25 THE COURT: WAS THE FIRST TIME YOU MADE THAT

02:21PM 1 CONNECTION WHEN YOU FILLED OUT THE QUESTIONNAIRE LAST WEEK?

02:21PM 2 PROSPECTIVE JUROR: AFTER THE QUESTIONNAIRE LAST  
02:21PM 3 WEEK, THEN I LOOKED FURTHER AND ACTUALLY, YEAH, BASICALLY THE  
02:21PM 4 FORMS.

02:21PM 5 AND ALSO BASICALLY THE NUMBER OF PAGES, I FELT LIKE I WAS  
02:21PM 6 GETTING TIRED WRITING IT, AND IT'S BEEN MANY YEARS SINCE I HAD  
02:21PM 7 TO WRITE SOMETHING.

02:21PM 8 THE COURT: YOU USUALLY TYPE AND USE A KEYBOARD.

02:21PM 9 PROSPECTIVE JUROR: I MEAN, NO OFFENSE.

02:21PM 10 THE COURT: NO, NO, NO.

02:21PM 11 SO JUST SO WE UNDERSTAND, YOU WERE FAMILIAR WITH THE  
02:21PM 12 ELIZABETH HOLMES CASE?

02:21PM 13 PROSPECTIVE JUROR: YES.

02:21PM 14 THE COURT: YOU HADN'T CONNECTED MR. BALWANI TO THAT  
02:21PM 15 CASE UNTIL JUST RECENTLY; IS THAT ACCURATE?

02:21PM 16 PROSPECTIVE JUROR: YEAH.

02:21PM 17 THE COURT: AND WAS --

02:21PM 18 PROSPECTIVE JUROR: AND AT THE SAME TIME WHEN I WAS  
02:22PM 19 FILLING OUT THE FORM, AND THEN I DID MENTION ABOUT THE FACT  
02:22PM 20 THAT THEY, THEY DATED.

02:22PM 21 THE COURT: YES.

02:22PM 22 PROSPECTIVE JUROR: SO JUST TO BE TRUTHFUL,  
02:22PM 23 BASICALLY, YES, DURING THE ANSWERING THE QUESTIONS, IT DID  
02:22PM 24 OCCUR TO ME.

02:22PM 25 THE COURT: I SEE.

02:22PM 1 BUT BEFORE THAT, WHEN WAS THE FIRST TIME THAT YOU --

02:22PM 2 PROSPECTIVE JUROR: I DIDN'T REALLY PAY -- BEFORE  
02:22PM 3 THE WHOLE CASE EVEN CAME, I DID FOLLOW ELIZABETH HOLMES, HER  
02:22PM 4 RISE TO BEING A STARTUP OR WHATEVER.

02:22PM 5 THE COURT: YOU FOLLOWED THAT?

02:22PM 6 PROSPECTIVE JUROR: YEAH. NOT REALLY LIKE ANYTHING,  
02:22PM 7 BUT JUST KIND OF, YOU KNOW, IT POPS UP IN APPLE.COM, AND ONCE  
02:22PM 8 YOU READ IT, IT COMES UP.

02:22PM 9 THE COURT: YES, YES.

02:22PM 10 PROSPECTIVE JUROR: BUT THE CASE, I WASN'T FOLLOWING  
02:22PM 11 THE CASE.

02:22PM 12 BUT THEN I FILLED OUT, I MEAN -- SO DURING THE CASE, I  
02:22PM 13 FELT LIKE I MAY HAVE BEEN MORE BIASED TOWARDS ELIZABETH HOLMES.

02:23PM 14 THE COURT: TOWARDS HER, IN HER FAVOR?

02:23PM 15 PROSPECTIVE JUROR: IN HER FAVOR.

02:23PM 16 THE COURT: YES.

02:23PM 17 PROSPECTIVE JUROR: I MEAN, I JUST HAD THE THOUGHT.  
02:23PM 18 SO IT MAY AFFECT MY CONCEPTIONS ABOUT BALWANI, WHICH IT'S NOT  
02:23PM 19 FAIR TO HIM BECAUSE I DON'T KNOW ANYTHING. I DON'T FOLLOW HIM,  
02:23PM 20 BUT I THINK IF ELIZABETH HOLMES IS PROVEN GUILTY, THEN THERE  
02:23PM 21 WAS SOME BIGGER CHANCE OF HIM BEING GUILTY.

02:23PM 22 THE COURT: I SEE. AND YOU HEARD THAT SHE WAS FOUND  
02:23PM 23 GUILTY? IS THAT WHAT YOU HEARD?

02:23PM 24 PROSPECTIVE JUROR: YES.

02:23PM 25 THE COURT: I SEE. AND WHEN DID YOU HEAR THAT? HOW

02:23PM 1 LONG AGO WAS THAT?

02:23PM 2 PROSPECTIVE JUROR: I DON'T KNOW. AT THE END OF THE

02:23PM 3 CASE. MAYBE THREE MONTHS AGO.

02:23PM 4 THE COURT: RIGHT. AND YOU HAVE KNOWLEDGE THAT --

02:23PM 5 AT LEAST THE INFORMATION THAT YOU HAVE IS THAT BALWANI AND

02:23PM 6 HOLMES WERE IN A RELATIONSHIP? THEY DATED I THINK YOU SAID?

02:23PM 7 PROSPECTIVE JUROR: YES, YES. BUT I ALSO KNOW THAT

02:23PM 8 SHE WAS 18 AND HE WAS, LIKE, 40-PLUS.

02:23PM 9 THE COURT: YES.

02:23PM 10 PROSPECTIVE JUROR: SO THAT COULD CREATE ME HAVING A

02:24PM 11 NEGATIVE OPINION ABOUT HIM.

02:24PM 12 THE COURT: ABOUT HIM?

02:24PM 13 PROSPECTIVE JUROR: YEAH.

02:24PM 14 THE COURT: BECAUSE OF THE AGE DIFFERENCE?

02:24PM 15 PROSPECTIVE JUROR: YEAH.

02:24PM 16 I MEAN, AND THEN THE OTHER THING I WOULD SAY IS THAT THE

02:24PM 17 WAY I KNOW ABOUT HER CASE IS, LIKE, SHE WAS A STANFORD DROPOUT,

02:24PM 18 AND SO I DON'T -- I MEAN, I'M PROBABLY WRONG, BUT I, I THOUGHT

02:24PM 19 SOMEONE WHO IS KIND OF A DROPOUT DOESN'T START OFF IN THE FIELD

02:24PM 20 THINKING THAT THEY'RE GOING TO FAKE THE SYSTEM OR WHATEVER.

02:24PM 21 SO I THOUGHT MAYBE SOMEONE ELSE WAS LEADING HER.

02:24PM 22 THE COURT: I SEE.

02:24PM 23 PROSPECTIVE JUROR: BUT, AGAIN, SHE WAS FOUND

02:24PM 24 GUILTY, SO I'M PROBABLY WRONG IN MY CONCEPTIONS.

02:24PM 25 THE COURT: OKAY. SO YOU HAVE BITS OF INFORMATION



02:24PM 1 ABOUT HER CASE, ABOUT THIS CASE, AND YOU'RE SHARING WITH US  
02:24PM 2 YOUR THOUGHTS ABOUT THAT, AND WE APPRECIATE THAT.

02:24PM 3 PROSPECTIVE JUROR: YES.

02:24PM 4 BUT I'M NOT RELIGIOUSLY FOLLOWING ANY OF THIS STUFF.

02:24PM 5 THE COURT: YES, I UNDERSTAND.

02:24PM 6 PROSPECTIVE JUROR: AND I WORK ABOUT 50, 60 HOURS A  
02:25PM 7 WEEK IN THE TECH INDUSTRY, SO BASICALLY THAT IS THE OTHER SIDE  
02:25PM 8 OF THE ISSUE THAT I HAVE, AND I'M CONFUSED.

02:25PM 9 THE COURT: ABOUT IF YOU SIT AS A JUROR, IT MIGHT  
02:25PM 10 TAKE AWAY FROM YOUR WORK?

02:25PM 11 PROSPECTIVE JUROR: YES.

02:25PM 12 THE COURT: YES.

02:25PM 13 DO YOU HAVE ANY TRAVEL PLANS?

02:25PM 14 PROSPECTIVE JUROR: YEAH, I MENTIONED LIKE APRIL 5TH  
02:25PM 15 TO 8TH.

02:25PM 16 THE COURT: YES.

02:25PM 17 PROSPECTIVE JUROR: BASICALLY WE HAVE --

02:25PM 18 THE COURT: IT'S IN VEGAS.

02:25PM 19 PROSPECTIVE JUROR: IT'S IN VEGAS.

02:25PM 20 THE COURT: YES. AND THAT'S A WEEK? NO, IT'S A  
02:25PM 21 LONG WEEKEND, I THINK.

02:25PM 22 PROSPECTIVE JUROR: NO, IT'S DURING THE WEEK.

02:25PM 23 THE COURT: YES.

02:25PM 24 PROSPECTIVE JUROR: AND THEN I DO HAVE -- WE ARE  
02:25PM 25 VACATIONING THE FOLLOWING WEEK IN HAWAII.

02:25PM 1 THE COURT: YOUR FAMILY?

02:25PM 2 PROSPECTIVE JUROR: YEAH, MY WIFE HAS BOOKED THE  
02:25PM 3 THING, BUT WE HAVE NOT BOOKED THE FLIGHTS. BUT, AGAIN, I'M NOT  
02:25PM 4 THE ONE DECIDING IF I'M IN THE CASE OR NOT. I'M JUST LETTING  
02:25PM 5 YOU KNOW.

02:25PM 6 THE COURT: NO. THIS IS INFORMATION THAT I NEED TO  
02:25PM 7 KNOW, YES. THANK YOU FOR THAT. IT'S A WEEK VACATION?

02:26PM 8 PROSPECTIVE JUROR: YEAH, BASICALLY WE HAVE  
02:26PM 9 VACATIONS CLUB, SO WHENEVER WE HAVE FAMILY OVER, WE JUST MAKE  
02:26PM 10 IT A VISIT TO GO THERE FOR KIDS, WHAT DO YOU CALL IT, EASTER  
02:26PM 11 BREAK OR WHATEVER THE BREAK IS THAT COMES.

02:26PM 12 THE COURT: RIGHT. YOU DON'T TAKE YOUR LAPTOP WITH  
02:26PM 13 YOU WHEN YOU VACATION, DO YOU?

02:26PM 14 PROSPECTIVE JUROR: I DO.

02:26PM 15 (LAUGHTER.)

02:26PM 16 PROSPECTIVE JUROR: I MEAN, I TRY NOT TO, BUT I  
02:26PM 17 BROUGHT MY LAPTOP HERE IN COURT.

02:26PM 18 THE COURT: OKAY. WE'LL SEND THIS PART OF THE  
02:26PM 19 TRANSCRIPT TO YOUR EMPLOYER.

02:26PM 20 PROSPECTIVE JUROR: I THINK MY EMPLOYER, I CAN  
02:26PM 21 PROBABLY -- IF I DO GET SELECTED, I CAN PROBABLY MAKE IT WORK.

02:26PM 22 THE COURT: UH-HUH. I SEE. OKAY.

02:26PM 23 PROSPECTIVE JUROR: I'M JUST PUTTING THESE THINGS.

02:26PM 24 THE COURT: THANK YOU FOR THAT.

02:26PM 25 SO LET ME JUST ASK YOU, THE REAL QUESTION IS YOU HAVE

02:26PM 1 KNOWLEDGE ABOUT THIS CASE THAT COMES FROM VARIOUS SOURCES AND  
02:26PM 2 IT CAUSES YOU TO HAVE OPINIONS. THAT'S WHAT INFORMATION DOES.  
02:26PM 3 IT CREATES OPINIONS IN US.

02:27PM 4 WILL YOU BE ABLE TO PUT ASIDE THOSE OPINIONS, PUT ASIDE  
02:27PM 5 THAT INFORMATION THAT YOU'VE LEARNED IF YOU'RE SELECTED AS A  
02:27PM 6 JUROR IN THIS CASE?

02:27PM 7 PROSPECTIVE JUROR: I THINK SO, BECAUSE IT'S MY WIFE  
02:27PM 8 WHO HAS BEEN SAYING YOU NEED TO DO YOUR CIVIC DUTY. SO I WILL  
02:27PM 9 DO MY BEST TO BE IMPARTIAL AND USE ONLY THE INFORMATION THAT I  
02:27PM 10 HEAR.

02:27PM 11 BUT THEN AGAIN, YOU KNOW, THE BRAIN DOESN'T WORK THAT WAY;  
02:27PM 12 RIGHT?

02:27PM 13 WITHOUT KNOWING YOU ARE DECIDING BASED ON SOMETHING ELSE.

02:27PM 14 THE COURT: SO HOW WILL YOU -- HOW DO YOU  
02:27PM 15 COMPARTMENTALIZE THAT? HOW DO YOU DECIDE IT?

02:27PM 16 PROSPECTIVE JUROR: I DON'T KNOW. I'VE NEVER BEEN  
02:27PM 17 ON JURY DUTY BEFORE, SO I DON'T KNOW.

02:27PM 18 THE COURT: SO IF YOU HEAR SOMETHING AND A WITNESS  
02:27PM 19 SAYS, HERE, WAIT A MINUTE, I READ SOMETHING, IT WAS NOT WHAT I  
02:27PM 20 READ, IT WAS DIFFERENT?

02:27PM 21 PROSPECTIVE JUROR: YEAH, SO I'M WILLING TO CHANGE  
02:27PM 22 MY OPINION BASED ON WHAT I HEAR.

02:27PM 23 THE COURT: I SEE.

02:27PM 24 PROSPECTIVE JUROR: BUT THEN AGAIN, I DO BELIEVE  
02:27PM 25 THAT PEOPLE DO MAKE JUDGMENT BASED ON THOUGHTS THAT THEY MAY

02:28PM 1 HAVE HAD WAY PAST WITHOUT THEM KNOWING.

02:28PM 2 THE COURT: SUBCONSCIOUS.

02:28PM 3 PROSPECTIVE JUROR: YEAH, SUBCONSCIOUS.

02:28PM 4 THE COURT: ANY QUESTIONS?

02:28PM 5 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

02:28PM 6 CAN I TAKE OFF MY MASK? IS THAT OKAY?

02:28PM 7 PROSPECTIVE JUROR: SURE.

02:28PM 8 MR. COOPERSMITH: THANK YOU.

02:28PM 9 AS I SAID OUT IN THE GENERAL SESSION, I APPRECIATE THE

02:28PM 10 TIME, AND THE POINT IS TO GIVE US ANSWERS TO FIGURE OUT WHO THE

02:28PM 11 RIGHT JURY IS. THERE'S NO RIGHT OR WRONG ANSWER AND NO ONE IS

02:28PM 12 JUDGING YOU, EVEN THOUGH WE HAVE A JUDGE HERE.

02:28PM 13 PROSPECTIVE JUROR: YES.

02:28PM 14 MR. COOPERSMITH: SO IT SOUNDS LIKE YOU KNOW THAT

02:28PM 15 MR. BALWANI AND MS. HOLMES WERE IN A RELATIONSHIP?

02:28PM 16 PROSPECTIVE JUROR: YEAH.

02:28PM 17 MR. COOPERSMITH: AND IT ALSO SOUNDS LIKE YOU KNOW

02:28PM 18 THAT SHE WAS CONVICTED; RIGHT?

02:28PM 19 PROSPECTIVE JUROR: YES.

02:28PM 20 MR. COOPERSMITH: AND YOU ALSO KNOW THERE'S SOME AGE

02:28PM 21 DIFFERENCE BETWEEN THE TWO PEOPLE; RIGHT?

02:28PM 22 PROSPECTIVE JUROR: YES.

02:28PM 23 MR. COOPERSMITH: AND YOU ALSO KNOW THAT THEY BOTH

02:28PM 24 WERE SENIOR EXECUTIVES OF A COMPANY CALLED THERANOS; RIGHT?

02:28PM 25 PROSPECTIVE JUROR: YES.

02:28PM 1 MR. COOPERSMITH: BASED ON ALL OF THAT, DO YOU THINK  
02:28PM 2 THAT THAT IN YOUR MIND TELLS YOU THAT IT'S MORE LIKELY THAT  
02:29PM 3 MR. BALWANI'S GUILTY IF MS. HOLMES WAS FOUND GUILTY?  
02:29PM 4 PROSPECTIVE JUROR: THAT'S WHAT I THOUGHT, AND OF  
02:29PM 5 COURSE I'M WILLING TO CHANGE MY OPINION.  
02:29PM 6 MR. COOPERSMITH: YEAH. RIGHT.  
02:29PM 7 PROSPECTIVE JUROR: BUT AT THE SAME TIME, I'M JUST  
02:29PM 8 LETTING YOU KNOW WHAT WAS IN MY MIND.  
02:29PM 9 MR. COOPERSMITH: RIGHT. OKAY.  
02:29PM 10 SO AS JUDGE DAVILA TOLD YOU, LIKE THIS WHOLE PROCESS  
02:29PM 11 STARTS ON A TOTALLY CLEAN SLATE WHERE NO ONE IS SUPPOSED TO  
02:29PM 12 KNOW ANYTHING OR BRING ANY INFORMATION INTO THE CASE; RIGHT?  
02:29PM 13 SO DO YOU FEEL SOMEONE IN THE DEFENSE, AND I REPRESENT  
02:29PM 14 MR. BALWANI --  
02:29PM 15 PROSPECTIVE JUROR: UNDERSTOOD.  
02:29PM 16 MR. COOPERSMITH: -- BUT DO YOU THINK THAT IT WOULD  
02:29PM 17 TAKE SORT OF MORE FOR US TO OVERCOME THESE THINGS THAT YOU  
02:29PM 18 HAVE?  
02:29PM 19 AND I'M NOT SAYING YOUR VIEWS ARE WRONG OR RIGHT. I'M NOT  
02:29PM 20 JUDGING ANYTHING. I JUST WANT TO KNOW.  
02:29PM 21 PROSPECTIVE JUROR: I JUST THINK -- I'M AN ENGINEER.  
02:29PM 22 I'M WILLING TO FORGET THE EMOTIONS OR FORGET THE THOUGHT  
02:29PM 23 PROCESS AND JUST LOOK AT THE FACTS.  
02:29PM 24 MR. COOPERSMITH: YEAH. RIGHT.  
02:29PM 25 PROSPECTIVE JUROR: SO I THINK I'M -- I CAN DO THAT

02:30PM 1 I THINK.

02:30PM 2 MR. COOPERSMITH: OKAY.

02:30PM 3 PROSPECTIVE JUROR: BUT AT THE SAME TIME, I ALSO  
02:30PM 4 WANT TO LET YOU KNOW WHAT IS IN MY --

02:30PM 5 MR. COOPERSMITH: YEAH, AS JUDGE DAVILA TOLD YOU,  
02:30PM 6 TOTALLY APPROPRIATE.

02:30PM 7 PROSPECTIVE JUROR: BECAUSE IF I'M BALWANI, I WOULD  
02:30PM 8 PREFER NOT ME BEING HERE.

02:30PM 9 MR. COOPERSMITH: OH, OKAY. WHY DO YOU SAY THAT?  
02:30PM 10 WHAT IS IT ABOUT YOU?

02:30PM 11 PROSPECTIVE JUROR: THE BEST JURY IS WHO HAS NO IDEA  
02:30PM 12 ABOUT THE CASE.

02:30PM 13 MR. COOPERSMITH: NO IDEA ABOUT THE CASE; RIGHT?

02:30PM 14 OR DO YOU THINK THE BEST JURY WOULD BE PEOPLE WHO COULD BE  
02:30PM 15 REALLY FAIR AND TAKE THAT REALLY SERIOUSLY?

02:30PM 16 PROSPECTIVE JUROR: YEAH, I'M WILLING TO BE FAIR AND  
02:30PM 17 TAKE IT SERIOUSLY.

02:30PM 18 MR. COOPERSMITH: RIGHT. SO YOU KNOW, IF YOU  
02:30PM 19 WOULDN'T, LIKE, WANT TO JUMP TO ANY CONCLUSIONS JUST BECAUSE OF  
02:30PM 20 WHAT YOU HEARD IN THE MEDIA; RIGHT?

02:30PM 21 PROSPECTIVE JUROR: NO. I MEAN, THAT'S THE WHOLE  
02:30PM 22 PROCESS. I MEAN, I UNDERSTAND THIS CASE IS A POPULAR CASE AND  
02:30PM 23 IT'S BEEN IN THE MEDIA, SO I KNOW MOST JURORS ALREADY HAVE SOME  
02:30PM 24 INFORMATION ABOUT THIS.

02:31PM 25 MR. COOPERSMITH: RIGHT.

02:31PM 1 PROSPECTIVE JUROR: SO I'M WILLING TO BASICALLY HEAR  
02:31PM 2 WHAT I HEAR HERE.

02:31PM 3 MR. COOPERSMITH: OKAY.

02:31PM 4 PROSPECTIVE JUROR: BUT THAT'S WHAT I WANT TO DO,  
02:31PM 5 BUT THAT DOESN'T MEAN THAT, YOU KNOW, SUBCONSCIOUSLY SOMETHING  
02:31PM 6 ELSE WILL HAPPEN.

02:31PM 7 MR. COOPERSMITH: OKAY.

02:31PM 8 DO YOU HAVE ANY VIEW AS TO WHETHER THE -- YOU KNOW ABOUT  
02:31PM 9 THE OUTCOME OF MS. HOLMES'S CASE IT SOUNDS LIKE?

02:31PM 10 PROSPECTIVE JUROR: I JUST KNOW THAT SHE WAS FOUND  
02:31PM 11 GUILTY.

02:31PM 12 MR. COOPERSMITH: RIGHT.

02:31PM 13 PROSPECTIVE JUROR: BUT I DON'T KNOW ANYTHING ABOUT  
02:31PM 14 THE DETAILS.

02:31PM 15 MR. COOPERSMITH: OKAY. RIGHT.

02:31PM 16 DO YOU HAVE ANY VIEW ABOUT WHETHER THAT OUTCOME OR VERDICT  
02:31PM 17 WAS CORRECT? DO YOU HAVE ANY VIEW ABOUT THAT ONE WAY OR THE  
02:31PM 18 OTHER.

02:31PM 19 PROSPECTIVE JUROR: NO, NOT SO MUCH.

02:31PM 20 BECAUSE I WAS FOLLOWING WHAT WAS THE WRONGDOING THAT SHE  
02:31PM 21 DID, I NEVER PAID ATTENTION. I ONLY REMEMBER HER BEING IN THE  
02:31PM 22 STARTUP BEING THE NEXT I.T. AND TECHNICAL STUFF, THAT'S ALL.

02:31PM 23 MR. COOPERSMITH: AND BECAUSE YOU'RE IN THE FIELD?

02:31PM 24 PROSPECTIVE JUROR: THAT'S ALL I KNOW. IF YOU ASK  
02:31PM 25 ME WHAT SHE DID AND WHAT WAS THE CASE ABOUT, I DON'T KNOW.

02:32PM 1 MR. COOPERSMITH: OKAY. AND DO YOU UNDERSTAND, IF  
02:32PM 2 YOU HAD BEEN ON THE JURY THAT CONSIDERED HER CASE, YOU MIGHT  
02:32PM 3 HAVE DECIDED SOMETHING DIFFERENT? DO YOU UNDERSTAND THAT?  
02:32PM 4 PROSPECTIVE JUROR: POSSIBLY. POSSIBLY.  
02:32PM 5 MR. COOPERSMITH: ALL RIGHT.  
02:32PM 6 NOTHING FURTHER, YOUR HONOR.  
02:32PM 7 MR. SCHENK: NOTHING. THANK YOU.  
02:32PM 8 THE COURT: OKAY. THANK YOU VERY MUCH, SIR. THANK  
02:32PM 9 YOU.  
02:32PM 10 PROSPECTIVE JUROR: THANK YOU.  
02:32PM 11 THE COURT: YOU'RE WELCOME.  
02:32PM 12 (PROSPECTIVE JUROR NUMBER 210 IS NOT PRESENT.)  
02:32PM 13 THE COURT: DOES THAT EXHAUST OUR LIST?  
02:32PM 14 MR. COOPERSMITH: I THINK THAT IS THE ONES.  
02:32PM 15 I SHOULD SAY FOR THE RECORD, THE DEFENSE DOES HAVE  
02:32PM 16 CONCERNS ABOUT THESE JURORS WHO EITHER KNOW ABOUT THE  
02:32PM 17 RELATIONSHIP OR THE OUTCOME OF THE CASE OR BOTH. AND WE'VE  
02:32PM 18 EXPRESSED THAT BEFORE, I DON'T WANT TO BELABOR THAT.  
02:32PM 19 BUT THE OTHER JURORS IN THIS POOL WHO KNOW OF ONE THING OR  
02:32PM 20 ANOTHER OF WHAT WE HAVEN'T QUESTIONED ARE, IN ORDER, 184, WHICH  
02:32PM 21 MY NOTES SAY KNOWS ABOUT THE CONVICTION AND THE RELATIONSHIP;  
02:33PM 22 185, WHO KNEW ABOUT THE RELATIONSHIP; 202, WHO KNEW ABOUT THE  
02:33PM 23 CONVICTION AND THE RELATIONSHIP; 209, CONVICTION AND  
02:33PM 24 RELATIONSHIP; 216, RELATIONSHIP; 221, RELATIONSHIP; AND 225  
02:33PM 25 CONVICTION."



02:33PM 1 THE COURT: WE'LL TAKE A BREAK FOR JUST A MINUTE.  
02:33PM 2 OFF THE RECORD.

02:33PM 3 (PAUSE IN PROCEEDINGS.)

02:44PM 4 THE COURT: LET'S GO BACK ON THE RECORD NOW. THANK  
02:44PM 5 YOU.

02:44PM 6 WE'VE FINISHED DISCUSSION ABOUT THE JURORS.

02:44PM 7 THE COURT IS GOING TO -- BASED ON OUR CONVERSATIONS, THE  
02:44PM 8 COURT IS GOING TO EXCUSE FOR CAUSE JUROR NUMBER 196 AND JUROR  
02:44PM 9 205.

02:44PM 10 THE COURT WILL EXCUSE JUROR NUMBER 198 FOR HARDSHIP.

02:44PM 11 DO YOU WANT TO BE HEARD ON THE OTHERS, 191, 195, 207 AND  
02:44PM 12 210, MR. COOPERSMITH?

02:45PM 13 MR. COOPERSMITH: YES, YOUR HONOR. THANK YOU.

02:45PM 14 SO STARTING FROM THE BEGINNING, WE'VE GOT 191. JUROR  
02:45PM 15 NUMBER 191 IS THE PROBATION OFFICER FROM SANTA CLARA COUNTY,  
02:45PM 16 AND HE, AS THE COURT HEARD, FILLED OUT A QUESTIONNAIRE ON  
02:45PM 17 EITHER THURSDAY OR FRIDAY, THE 3RD OR 4TH, AND THEN HE CAME IN  
02:45PM 18 FOR JURY SERVICE.

02:45PM 19 BUT HE TOLD US OVER THE WEEKEND AFTER THE QUESTIONNAIRE,  
02:45PM 20 WHICH THE COURT ADVISED HIM NOT TO WATCH OR READ ANYTHING, HE  
02:45PM 21 WAS WITH THE GIRLFRIEND AND THE GIRLFRIEND WAS WATCHING THE  
02:45PM 22 HULU "DROPOUT" SHOW. HE SAID HE WAS IN AND OUT DOING OTHER  
02:45PM 23 THINGS.

02:45PM 24 FRANKLY, WHEN HE ANSWERED THE COURT'S QUESTIONS, IT STRUCK  
02:45PM 25 ME THAT HE WAS TRYING TO EXPLAIN HIMSELF AND HE WASN'T EAGER TO

02:45PM 1 COME TOTALLY CLEAN ABOUT, YOU KNOW, YEP, I VIOLATED THE COURT'S  
02:45PM 2 ORDER. I THINK THIS WAS SIGNIFICANT FOR HIM BECAUSE HE'S A  
02:46PM 3 PROBATION OFFICER AND HE APPEARED TO TAKE HIS JOB SERIOUSLY.

02:46PM 4 SO I THINK IT WAS HE HAD SOME EGG ON HIS FACE AND HE WAS  
02:46PM 5 TRYING TO MINIMIZE IT IS MY IMPRESSION WHEN HE WAS ANSWERING  
02:46PM 6 THE COURT.

02:46PM 7 ULTIMATELY WHAT WE DID LEARN FROM HIS WORDS WAS THAT HE  
02:46PM 8 HAD SEEN ABOUT, HE SAID, AN HOUR OF THREE EPISODES, INCLUDING  
02:46PM 9 THE PEOPLE WHO WERE PORTRAYING MS. HOLMES AND MR. BALWANI.

02:46PM 10 WE KNOW THAT, FROM REPORTS ABOUT THAT SERIES, THAT IT'S  
02:46PM 11 VERY NEGATIVE. IT PORTRAYS THERANOS IN A VERY NEGATIVE LIGHT.

02:46PM 12 SO I THINK HE ANSWERED QUESTIONS ULTIMATELY IN AN  
02:46PM 13 INTELLIGENT WAY. YOU KNOW, HE SAID HE UNDERSTANDS THE PROCESS,  
02:46PM 14 AND OF COURSE HE DOES BECAUSE HE'S A PROBATION OFFICER.

02:46PM 15 BUT I ALSO THINK THERE WAS ENOUGH HESITATION AND ENOUGH,  
02:46PM 16 YOU KNOW, I DON'T WANT TO GO AS FAR AS TO SAY MISCONDUCT, BUT I  
02:46PM 17 THINK HE RECOGNIZES HE SHOULDN'T HAVE BEEN WATCHING THAT SHOW  
02:46PM 18 AND WE THINK THAT TAINTS THAT JUROR AND HE SHOULD BE EXCUSED.

02:46PM 19 MR. SCHENK: YOUR HONOR, THE GOVERNMENT OPPOSES THAT  
02:47PM 20 REQUEST.

02:47PM 21 AFTER HE DISCUSSED AND WE DISCUSSED HIS PRIOR TELEVISION  
02:47PM 22 SHOW AND HIS CONVERSATION WITH HIS GIRLFRIEND, HE TOLD US  
02:47PM 23 REPEATEDLY THAT HE COULD BE FAIR TO BOTH SIDES.

02:47PM 24 HE CERTAINLY UNDERSTANDS THE PROCESS, HE UNDERSTANDS WHAT  
02:47PM 25 IS ASKED OF HIM, AND I THINK THE PHRASE HE OFTEN USED WAS "I

02:47PM 1 WILL DO MY DILIGENCE."

02:47PM 2 THAT WAS HIS WAY OF I UNDERSTAND WHAT IS EXPECTED OF ME AS  
02:47PM 3 A PARTICIPANT IN THIS PORTION OF THE CRIMINAL JUSTICE SYSTEM.  
02:47PM 4 I KNOW WHAT IS EXPECTED OF ME AND I CAN DO THAT.

02:47PM 5 AND I HAVE IN MY NOTES HIM SAYING THAT HE CAN BE FAIR TO  
02:47PM 6 BOTH SIDES; THEREFORE, I DO NOT THINK THAT THERE'S A BASIS TO  
02:47PM 7 EXCUSE 191 FOR CAUSE.

02:47PM 8 THE COURT: THANK YOU.

02:47PM 9 I WAS CONCERNED INITIALLY ABOUT HIM WATCHING THE HULU.

02:47PM 10 I THINK HE EXPLAINED SUFFICIENTLY FOR THE COURT THAT THE  
02:47PM 11 TIME THAT HE WATCHED IT, THE CIRCUMSTANCE PERHAPS WASN'T  
02:48PM 12 INADVERTENT, BUT IT WASN'T INTENTIONAL. HE DIDN'T TURN IT ON,  
02:48PM 13 HIS GIRLFRIEND DID. AND HE WAS IN THE ROOM, OF COURSE, HE TOLD  
02:48PM 14 US THAT.

02:48PM 15 MORE CONCERN TO ME WITH THIS PROSPECTIVE JUROR WAS HIS  
02:48PM 16 ABILITY, BECAUSE OF HIS EMPLOYMENT, LAW ENFORCEMENT ACTUALLY,  
02:48PM 17 MY CONCERN WAS WHETHER OR NOT HE WOULD BE BIASSED BECAUSE OF  
02:48PM 18 THAT. AND I ASKED HIM SOME VERY POINTED QUESTIONS ABOUT THAT,  
02:48PM 19 DIRECT QUESTIONS, AND I SAID YOU'RE LAW ENFORCEMENT AND HOW CAN  
02:48PM 20 MR. COOPERSMITH BE CONFIDENT THAT YOU'RE GOING TO -- ARE YOU  
02:48PM 21 OUT TO GET HIS GUY I THINK WAS THE WORD I USED.

02:48PM 22 AND I WAS STRUCK BY HIS RESPONSE. HE IMMEDIATELY, I  
02:48PM 23 THINK, RECOGNIZED THAT WOULD NOT BE RIGHT, AND HE SAID, NO, NO.

02:48PM 24 AND I ASKED THE SAME ABOUT THE GOVERNMENT, ARE YOU GOING  
02:48PM 25 TO HOLD THEM TO A HIGHER STANDARD BECAUSE THEIR INVESTIGATION

02:48PM 1 MIGHT BE BELOW YOUR STANDARDS OR SOMETHING THAT YOU WOULD HAVE  
02:48PM 2 DONE?

02:48PM 3 AND HE SAID, NO, I UNDERSTAND.

02:48PM 4 AND IN THE TOTALITY OF OUR INTERVIEWS, BOTH PRIVATE AND  
02:49PM 5 THE PUBLIC ONE, I DO THINK THAT HE WOULD BE AN APPROPRIATE  
02:49PM 6 JUROR IN THIS CASE IF HE WERE SELECTED. I THINK HE IS FREE  
02:49PM 7 FROM BIAS. HE SAW THINGS, HE DREW CONCLUSIONS.

02:49PM 8 BUT I THINK ON HIS TRAINING, HE RECOGNIZES THE  
02:49PM 9 RESPONSIBILITY AND INTEGRITY OF HIS POSITION AND HIS POSITION  
02:49PM 10 AS A JUROR TO BE FAIR AND IMPARTIAL, AND I THINK HE EXPRESSED  
02:49PM 11 THAT THROUGH OUR CONVERSATIONS.

02:49PM 12 SO I'M NOT GOING TO STRIKE HIM FOR CAUSE.

02:49PM 13 195 WAS NEXT I BELIEVE.

02:49PM 14 MR. COOPERSMITH: YOUR HONOR, WE DON'T HAVE A CAUSE  
02:49PM 15 CHALLENGE TO 195.

02:49PM 16 THE COURT: OKAY. THANK YOU.

02:49PM 17 AND THEN 207. THIS IS THE JUROR WITH TWIN SONS, OR 17 AND  
02:49PM 18 18-YEAR OLD SONS.

02:49PM 19 MR. COOPERSMITH: RIGHT. CAN I CONFER WITH  
02:49PM 20 MS. WALSH?

02:49PM 21 THE COURT: YES, PLEASE.

02:50PM 22 (DISCUSSION AMONGST DEFENSE COUNSEL OFF THE RECORD.)

02:50PM 23 MR. COOPERSMITH: YOUR HONOR, WE DON'T HAVE A CAUSE  
02:50PM 24 CHALLENGE FOR 207.

02:50PM 25 THE COURT: 210?

02:50PM 1 MR. COOPERSMITH: WELL, 209 I THINK WE SHOULD GET TO  
02:50PM 2 BEFORE 210.

02:50PM 3 THE COURT: YES, 209.

02:50PM 4 MR. COOPERSMITH: SO 209 AT THE BEGINNING WHEN THE  
02:50PM 5 COURT WAS QUESTIONING HIM, HE HAD WATCHED AND FOLLOWED THE CASE  
02:50PM 6 ON A DAILY BASIS PRETTY MUCH.

02:50PM 7 HE WAS RELUCTANT TO IMMEDIATELY AGREE THAT HE WOULD BE  
02:50PM 8 FAIR. HE SAID IT MIGHT AFFECT HIM. "TO BE HONEST" I THINK  
02:50PM 9 WERE HIS WORDS, AND IT'S ALWAYS GOOD WHEN PEOPLE ARE HONEST,  
02:50PM 10 AND HE DID LOTS OF GOOGLING, HE MADE A POINT TO FOLLOW THE  
02:50PM 11 CASE.

02:50PM 12 IT LOOKED TO ME LIKE IT WAS PRETTY CLEAR HE HAD STRONG  
02:50PM 13 VIEWS. HE ALSO HAD CONSIDERABLE EXPOSURE TO LONG FORM MEDIA.  
02:50PM 14 HE WATCHED "20/20." HE WATCHED THE ABC NEWS, "THE DROPOUT"  
02:50PM 15 DOCUMENTARY, HE MENTIONED "THICKER THAN WATER," WHICH I THINK  
02:50PM 16 IS THE TYLER SHULTZ PODCAST. HE KNEW QUITE A LOT ABOUT THE  
02:50PM 17 CASE AND ABOUT THE RELATIONSHIP AND ABOUT THE CONVICTION.

02:51PM 18 AND THEN I THINK WHAT WAS TELLING IS, YOU KNOW, AS THE  
02:51PM 19 COURT KNOWS FROM LONG EXPERIENCE, I'M SURE, THAT IT'S HARD FOR  
02:51PM 20 A JUROR WHEN THERE'S A LOT OF PEOPLE THERE AND THERE'S A JUDGE  
02:51PM 21 AND LAWYERS TELLING THEM HERE ARE THE RULES, DO YOU THINK YOU  
02:51PM 22 COULD FOLLOW THE RULES?

02:51PM 23 PEOPLE NATURALLY, GOOD PEOPLE WANT TO SAY OH, YES, I CAN  
02:51PM 24 FOLLOW THE RULES.

02:51PM 25 BUT THE PROBLEM WITH JUROR 109 -- 209, IS EVEN THOUGH HE

02:51PM 1 DID ULTIMATELY SAY THAT, AND I ACKNOWLEDGE THAT, ULTIMATELY HE  
02:51PM 2 SAID HE WASN'T SURE HE WOULD HAVE THE SAME VIEW TOMORROW.

02:51PM 3 SO I DIDN'T THINK IT WAS SOLIDIFIED IN HIS MIND THAT, YOU  
02:51PM 4 KNOW, SOMEHOW HE REALLY HAS TO PUT THINGS OUT OF HIS MIND. I  
02:51PM 5 WAS VERY UNSURE THAT HE COULD DO THAT.

02:51PM 6 SO FOR THAT REASON 209 I THINK SHOULD BE REMOVED FOR  
02:51PM 7 CAUSE.

02:51PM 8 THE COURT: OKAY. THANK YOU.

02:51PM 9 MR. SCHENK: THE GOVERNMENT OPPOSES THE CAUSE  
02:51PM 10 CHALLENGE FOR 209.

02:51PM 11 DURING THE COURT'S VOIR DIRE WITH 209 WE FIRST EXPLORED  
02:51PM 12 HIS EXPOSURE AND HE, AS MR. COOPERSMITH DESCRIBED, SAW A  
02:52PM 13 "TED TALK" AND OTHER EXAMPLES.

02:52PM 14 I THINK, IN FACT, AT ONE POINT HE WAS ASKED IF HIS  
02:52PM 15 EXPOSURE WAS DAILY, AND I THINK HE BALKED AT AGREEMENT TO SAY  
02:52PM 16 IT WAS DAILY. I DON'T THINK HE WENT AS FAR TO SAY THAT.

02:52PM 17 I THINK HE DID FIND THE STORY INTERESTING, AND HIS  
02:52PM 18 DAUGHTER RECENTLY DISCUSSED IT IN SCHOOL, BUT HE DID NOT  
02:52PM 19 DISCUSS IT WITH HIS DAUGHTER.

02:52PM 20 THEN WE MOVED TO WHETHER THAT EXPOSURE WOULD AFFECT HIS  
02:52PM 21 ABILITY TO BE FAIR, AND HE SAID FIRST THAT HE WILL TRY HIS  
02:52PM 22 BEST, HE'S THOUGHT ABOUT THIS QUESTION. HE WOULD, IN HIS  
02:52PM 23 WORDS, TAKE EVERYTHING OUT AND CLEAR HIS MIND ABOUT EVERYTHING  
02:52PM 24 THAT HE KNOWS.

02:52PM 25 THAT'S WHAT WE ASK OF JURORS. IT ISN'T THAT A JUROR IS

02:52PM 1 REQUIRED TO NOT KNOW ANYTHING. IT'S THAT THEY CAN'T USE WHAT  
02:52PM 2 THEY KNOW TO FORM OPINIONS THAT ARE GOING TO AFFECT THEIR  
02:52PM 3 ABILITY TO BE FAIR AND IMPARTIAL WHEN THEY EVALUATE THE  
02:52PM 4 EVIDENCE THAT THEY HEAR IN THE COURTROOM.

02:53PM 5 I UNDERSTANDS THAT.

02:53PM 6 AND I DISAGREE WITH WHAT MR. COOPERSMITH SAID AT THE END.  
02:53PM 7 WHEN HE SAID, I MIGHT CHANGE MY MIND TOMORROW, THAT IS NOT A  
02:53PM 8 STATEMENT ABOUT HIS LACK OF UNDERSTANDING, ABOUT THE IMPORTANCE  
02:53PM 9 OF CLEARING HIS MIND.

02:53PM 10 HE UNDERSTANDS THAT IN ORDER TO BE A GOOD, RESPONSIBLE --  
02:53PM 11 (PAUSE IN PROCEEDINGS.)

02:53PM 12 THE COURT: GO AHEAD, I'M SORRY.

02:53PM 13 MR. SCHENK: -- JUROR, HE MUST HAVE A CLEAR MIND  
02:53PM 14 FROM WHAT HE KNOWS FROM HIS PRIOR EXPOSURE. THAT'S SOMETHING  
02:53PM 15 THAT HE APPRECIATES THE SIGNIFICANCE OF.

02:53PM 16 I THINK WHAT HE WAS SAYING TO MR. COOPERSMITH WAS, WHAT  
02:53PM 17 I'M BEING ASKED IS A DIFFICULT THING. I DON'T HAVE PRIOR  
02:53PM 18 EXPERIENCE WITH CLEARING MY MIND, AND IGNORING THINGS THAT I'VE  
02:54PM 19 BEEN EXPOSED TO THROUGH THE PROCESS.

02:54PM 20 IT'S NOT A STATEMENT THAT SHOULD GIVE US A LACK OF  
02:54PM 21 SECURITY IN HIS APPRECIATION OF WHAT HIS OBLIGATION IS, THE  
02:54PM 22 IMPORTANCE OF THAT OBLIGATION, AND THE RESPONSIBILITIES THAT IT  
02:54PM 23 BRINGS WITH IT.

02:54PM 24 WHAT IT WAS WAS AN HONEST STATEMENT ABOUT HIS LACK OF  
02:54PM 25 EXPERIENCE TO ACCOMPLISH THAT TASK, AND THAT'S THE KIND OF

02:54PM 1 STATEMENT THAT WE HAVE HEARD MULTIPLE TIMES FROM OTHER JURORS.

02:54PM 2 AND WE'RE ASKING THEM TO DO SOMETHING, UNLESS THEY'VE HAD  
02:54PM 3 PRIOR JURY SERVICE, THAT MANY OF THEM DON'T HAVE EXPERIENCE  
02:54PM 4 WITH.

02:54PM 5 SO I DON'T THINK THAT SHOULD GIVE US A BASIS FOR CAUSE OR  
02:54PM 6 EVEN TO RAISE ADDITIONAL CONCERNS.

02:54PM 7 WHAT HE TOLD US IS THAT I UNDERSTAND WHAT IS BEING ASKED  
02:54PM 8 OF ME AND I WILL TAKE EVERYTHING OUT OF MY MIND AND I WILL  
02:54PM 9 CLEAR MY MIND AND I WILL EVALUATE BASED ON WHAT I LEARN IN  
02:54PM 10 COURT, AND FOR THOSE REASONS 209 SHOULD NOT BE EXCUSED FOR  
02:54PM 11 CAUSE.

02:54PM 12 THE COURT: ANYTHING ELSE?

02:54PM 13 MR. COOPERSMITH: JUST TO SAY, YOUR HONOR, I THINK  
02:54PM 14 IF YOU ASK SOMEBODY ENOUGH QUESTIONS IN OPEN COURT, NO MATTER  
02:55PM 15 WHAT THEY SAY, THEY WILL EVENTUALLY, UNLESS THEY'RE VERY  
02:55PM 16 UNUSUAL, SAY THEY WANT TO FOLLOW THE RULES AND BE GOOD PEOPLE  
02:55PM 17 AND THEY WANT TO DO WHAT IS RIGHT.

02:55PM 18 BUT WHEN SOMEONE EXPRESSES AS MUCH RELUCTANCE AS JUROR 209  
02:55PM 19 AND WAS STILL NOT CERTAIN AT THE END, I THINK IT'S APPROPRIATE  
02:55PM 20 NOT TO HAVE THEM SERVE ON THE JURY.

02:55PM 21 THE COURT: OKAY. THANK YOU.

02:55PM 22 WELL, HE DID TALK ABOUT GOOGLING AND FOLLOWING THE CASE.

02:55PM 23 I DON'T BELIEVE HE HAS ANY PRIOR JURY SERVICE. LET ME  
02:55PM 24 JUST DOUBLE-CHECK THAT.

02:56PM 25 HE WAS ON A CRIMINAL CASE IN 2015 OR 2016, BUT HE



02:56PM 1 INDICATES THE JURY WAS DISMISSED, WHICH SUGGESTS THAT IT DID  
02:56PM 2 NOT GO TO TRIAL IT SOUNDS LIKE.

02:56PM 3 HE DIDN'T WRITE THIS, BUT IT SOUNDS LIKE JURY DISMISSAL  
02:56PM 4 MEANS THAT THERE PROBABLY WAS A PLEA OR SOME KIND OF RESOLUTION  
02:56PM 5 BEFORE THE CASE WENT TO TRIAL, PARTICULARLY IN A CHILD MOLEST  
02:56PM 6 CASE THAT'S NOT SURPRISING.

02:56PM 7 AND THAT WAS 2015 OR 2016 HE TELLS US IN HIS  
02:56PM 8 QUESTIONNAIRE.

02:56PM 9 SO THE QUESTIONING OF HIM WAS, WAS BACK AND FORTH, SHALL I  
02:56PM 10 SAY, MY OBSERVATIONS.

02:56PM 11 HE TOLD US A LITTLE BIT ABOUT HIS CHILDCARE SITUATIONS.

02:56PM 12 HE KNEW ABOUT THE CASE.

02:57PM 13 HE SAID AGAIN AND AGAIN, YES, I'LL TRY MY BEST TO BE FAIR  
02:57PM 14 AND IMPARTIAL.

02:57PM 15 AND THE LAST QUESTIONS, THE SECOND TO THE LAST QUESTION  
02:57PM 16 WAS: I WILL TAKE EVERYTHING OUT AND CLEAR MY MIND.

02:57PM 17 AND THAT WAS IN REGARDS TO THE -- HIS EXPOSURE TO THE  
02:57PM 18 CASE.

02:57PM 19 AND I DID SPEND A LOT OF TIME TALKING, NOT JUST TO THIS  
02:57PM 20 JUROR, BUT TO THE ENTIRE PANEL ABOUT THE UNIVERSE OF  
02:57PM 21 INFORMATION, THE INAPPROPRIATENESS OF MAKING DECISIONS BASED ON  
02:57PM 22 EVIDENCE OUTSIDE OF THE COURTROOM, THE IMPORTANCE OF THAT.

02:57PM 23 AND I DID THAT BECAUSE OF -- ONE OF THE REASONS WAS  
02:57PM 24 BECAUSE OF THE MEDIA EXPOSURE THIS CASE HAD, AND MS. HOLMES'S  
02:57PM 25 CASE HAD SIGNIFICANT MEDIA EXPOSURES, AND I FELT IT WAS

02:57PM 1 APPROPRIATE TO GO OVER AND REVIEW WITH THIS PANEL THE  
02:57PM 2 IMPORTANCE OF PUTTING ALL OF THAT ASIDE THAT THEY MAY HAVE  
02:57PM 3 HEARD AND ASKING THEM IF THEY COULD DO THAT. THAT WAS REALLY  
02:58PM 4 THE DRILLDOWN, IF YOU WILL, FOR THEIR SERVICE.

02:58PM 5 THIS JUROR SAID HE COULD DO THAT, NOTWITHSTANDING HIS  
02:58PM 6 COMMENT ABOUT, WELL, WILL YOU CHANGE YOUR MIND TOMORROW? I'M  
02:58PM 7 NOT SURE HE UNDERSTOOD THAT QUESTION. I DIDN'T FOLLOW UP ON  
02:58PM 8 IT, TO BE FAIR.

02:58PM 9 BUT DID HE HEAR THAT SAY, WILL YOU CHANGE YOUR MIND  
02:58PM 10 TOMORROW? OR WILL YOU NOT CHANGE YOUR MIND? I DON'T KNOW.

02:58PM 11 THE QUESTION WAS, WILL YOU CHANGE YOUR MIND TOMORROW? AND  
02:58PM 12 HE SAID, HUH, MAYBE.

02:58PM 13 AND WHAT DOES THAT TELL US AFTER HE TELLS US ALL OF THESE  
02:58PM 14 OTHER THINGS?

02:58PM 15 MR. COOPERSMITH: YOUR HONOR, I'M WONDERING  
02:58PM 16 SOMETHING ABOUT 209. WHILE WE'RE STILL HERE, AND I KNOW I SAID  
02:58PM 17 WE ASKED ENOUGH QUESTIONS, BUT IT SOUNDS LIKE THERE IS STILL  
02:58PM 18 SOME REMAINING QUESTION, AND WE MIGHT BE ABLE TO CLEAR THAT UP  
02:58PM 19 AND ASK HIM WHAT HE MEANT BY THAT. IT MIGHT NOT TAKE LONG,  
02:58PM 20 HE'S RIGHT OUTSIDE THE DOOR, I THINK, AND MAYBE --

02:58PM 21 THE COURT: THAT'S A GOOD IDEA. WE COULD BRING HIM  
02:58PM 22 BACK.

02:58PM 23 WE'LL ASK HER TO DO THAT.

02:59PM 24 (PAUSE IN PROCEEDINGS.)

02:59PM 25 (PROSPECTIVE JUROR NUMBER 209 IS PRESENT.)

03:00PM 1 THE COURT: WE'RE BACK ON THE RECORD WITH  
03:00PM 2 PROSPECTIVE JUROR 209. THANK YOU FOR COMING BACK.

03:00PM 3 I WANTED TO FOLLOW UP ON SOME OF THE LAST QUESTIONS THAT  
03:00PM 4 WERE ASKED OF YOU. YOU TOLD US WHEN WE WERE ASKING YOU ABOUT  
03:00PM 5 ALL OF YOUR PREVIOUS EXPOSURE TO THE CASE AND THE GOOGLE AND  
03:00PM 6 YOUR KNOWLEDGE, AND YOU HEARD ME TALK ABOUT PUTTING ALL OF THAT  
03:00PM 7 OUT OF YOUR MIND.

03:00PM 8 AND YOU SAID, I THINK YOU SAID, I WILL TAKE EVERYTHING  
03:00PM 9 OUT. I WILL CLEAR MY MIND.

03:00PM 10 PROSPECTIVE JUROR: YEAH, I WILL TRY MY BEST,  
03:00PM 11 ABSOLUTELY.

03:00PM 12 THE COURT: OKAY. YES, YOU CAN DO THAT?

03:00PM 13 PROSPECTIVE JUROR: YES.

03:00PM 14 THE COURT: AND THEN, YOU KNOW, MR. COOPERSMITH  
03:00PM 15 ASKED YOU A QUESTION WHEN WE WERE FINISHED, WHEN YOU SAID THAT,  
03:00PM 16 HE SAID, WELL, DO YOU THINK YOU WILL CHANGE YOUR MIND TOMORROW?

03:00PM 17 AND I THINK YOU SAID, YES, MAYBE. WHAT DID YOU MEAN THAT?  
03:00PM 18 OR DID YOU SAY THAT?

03:00PM 19 PROSPECTIVE JUROR: OH, BECAUSE LIKE I CANNOT  
03:00PM 20 CONTROL MYSELF. MAYBE SOMETIMES, LIKE, WE HEARD SOMETHING  
03:00PM 21 DIFFERENT, OR MAYBE THE EVIDENCE OR SOMETHING. BUT IT DEPENDS.

03:00PM 22 BUT YEAH, WE RELY ON THE EVIDENCE.

03:00PM 23 THE COURT: SO WHEN YOU SAID MAYBE I'LL CHANGE MY  
03:01PM 24 MIND TOMORROW, WHAT DID --

03:01PM 25 PROSPECTIVE JUROR: OH, THE TRIAL THING IS, LIKE,

03:01PM 1 WE'RE HUMAN. AND SO I CANNOT SAY EXACTLY. MAYBE I CHANGE  
03:01PM 2 BECAUSE, LIKE, THE EVIDENCE SUPPORTS, LIKE, FOR THE CASE TO GO  
03:01PM 3 A DIFFERENT WAY.

03:01PM 4 THE COURT: SO DID YOU --

03:01PM 5 PROSPECTIVE JUROR: BUT TO BE HONEST, BECAUSE I  
03:01PM 6 KNOW, MAYBE NOT BECAUSE, LIKE, I DIDN'T KNOW THAT -- LIKE, I AM  
03:01PM 7 HERE TODAY. A FEW MONTHS AGO I DID A LOT ON THIS ONE.

03:01PM 8 THE COURT: YES.

03:01PM 9 PROSPECTIVE JUROR: AND A LOT OF NEGATIVE FOR MR. --

03:01PM 10 THE COURT: FOR MR. BALWANI?

03:01PM 11 PROSPECTIVE JUROR: CORRECT.

03:01PM 12 THE COURT: RIGHT. AND TODAY WE SPENT THE MORNING  
03:01PM 13 ASKING YOU ABOUT THAT. AND YOU SAID THAT YOU WILL TAKE  
03:01PM 14 EVERYTHING OUT, EVERYTHING THAT YOU HEARD, THAT NEGATIVE OUT OF  
03:01PM 15 YOUR MIND.

03:01PM 16 PROSPECTIVE JUROR: CORRECT.

03:01PM 17 THE COURT: YOU WILL CLEAR YOUR MIND.

03:02PM 18 IS THAT WHAT YOU MEANT YOU WILL DO?

03:02PM 19 PROSPECTIVE JUROR: YEAH, I WILL TRY MY BEST.

03:02PM 20 THE COURT: OKAY. AND THEN YOU SAID, WELL, MAYBE  
03:02PM 21 TOMORROW I'LL CHANGE MY MIND.

03:02PM 22 PROSPECTIVE JUROR: THE THING --

03:02PM 23 THE COURT: LET ME ASK YOU, DID YOU MEAN THAT YOU'LL  
03:02PM 24 CHANGE YOUR MIND THAT YOU WON'T CLEAR YOUR MIND?

03:02PM 25 PROSPECTIVE JUROR: OH, NO, I DIDN'T MEAN THAT.

03:02PM 1 THE COURT: OH.

03:02PM 2 PROSPECTIVE JUROR: THE THING I MEAN IS, LIKE, THE  
03:02PM 3 HUMAN, BUT I MIGHT CHANGE. SO I DON'T KNOW WHAT THAT WOULD  
03:02PM 4 MEAN.

03:02PM 5 BUT THE THING IS, LIKE, WE KEEP -- HAD THE QUESTION, LIKE,  
03:02PM 6 TWO OR THREE TIMES OVER THE SAME QUESTION, AND I DON'T KNOW HOW  
03:02PM 7 TO ANSWER.

03:02PM 8 THE COURT: OH, WE KEPT ASKING YOU THESE QUESTIONS?

03:02PM 9 PROSPECTIVE JUROR: RIGHT.

03:02PM 10 THE COURT: YES, I KNOW SOMETIMES IT'S TEDIOUS AND  
03:02PM 11 DIFFICULT, AND OFTENTIMES IT IS.

03:02PM 12 PROSPECTIVE JUROR: YEAH.

03:02PM 13 THE COURT: SO THE REAL QUESTION IS, CAN YOU BE FAIR  
03:02PM 14 TO MR. BALWANI? DO YOU THINK YOU COULD BE FAIR TO HIM?

03:02PM 15 PROSPECTIVE JUROR: I WILL TRY MY BEST FROM THE  
03:02PM 16 BEGINNING TO NOW. AND I KNOW I DID A LOT OF RESEARCH AND I  
03:02PM 17 CANNOT BE FAIR FOR HIM. BUT IF I'M SELECTED, I WILL TRY MY  
03:03PM 18 BEST.

03:03PM 19 THE COURT: OKAY.

03:03PM 20 DO YOU HAVE ANY DOUBT THAT YOU COULD DO THAT?

03:03PM 21 PROSPECTIVE JUROR: I SAID, LIKE, A FEW PERCENT IN  
03:03PM 22 MY MIND RIGHT NOW.

03:03PM 23 THE COURT: A FEW PERCENT THAT YOU COULD BE FAIR?

03:03PM 24 PROSPECTIVE JUROR: LIKE 5 PERCENT STILL DOUBTING.

03:03PM 25 THE COURT: 5 PERCENT IS STILL DOUBTING THAT YOU

03:03PM 1 COULD BE FAIR?

03:03PM 2 PROSPECTIVE JUROR: (NODS HEAD UP AND DOWN.)

03:03PM 3 THE COURT: I SEE. OKAY.

03:03PM 4 ANY QUESTIONS?

03:03PM 5 MR. COOPERSMITH: JUST BRIEFLY, YOUR HONOR.

03:03PM 6 ARE YOU COMFORTABLE IF I TAKE THIS MASK OFF?

03:03PM 7 PROSPECTIVE JUROR: SURE. NO PROBLEM.

03:03PM 8 MR. COOPERSMITH: THANK YOU. I APPRECIATE THAT.

03:03PM 9 AND I WANT TO SAY WHAT I SAID OUTSIDE. I KNOW THESE

03:03PM 10 QUESTIONS ARE REPETITIVE, AND WE'RE NOT TRYING TO WASTE YOUR

03:03PM 11 TIME. WE'RE REALLY JUST TRYING TO GET THE RIGHT JURORS IN AN

03:03PM 12 IMPORTANT CASE FOR THE GOVERNMENT AND FOR THE DEFENSE AND FOR

03:03PM 13 THE COURT.

03:03PM 14 AND WHAT YOU SAID A MINUTE AGO IS YOU DON'T THINK IT WOULD

03:04PM 15 NECESSARILY BE FAIR TO MR. BALWANI, IF I HEARD YOU RIGHT,

03:04PM 16 BECAUSE OF ALL OF THE RESEARCH YOU HAVE DONE IN THIS CASE;

03:04PM 17 RIGHT?

03:04PM 18 PROSPECTIVE JUROR: YES.

03:04PM 19 MR. COOPERSMITH: IS THAT THE WAY YOU FEEL?

03:04PM 20 PROSPECTIVE JUROR: YES.

03:04PM 21 MR. COOPERSMITH: AND I KNOW I DON'T KNOW YOU, BUT

03:04PM 22 I'VE READ YOUR QUESTIONNAIRE, SO I FEEL LIKE I KNOW YOU.

03:04PM 23 BUT YOU SEEM LIKE A GOOD PERSON AND YOU WANT TO DO THE

03:05PM 24 RIGHT THING.

03:05PM 25 PROSPECTIVE JUROR: YES, THAT'S RIGHT.

03:05PM 1 MR. COOPERSMITH: AND SO WHEN YOU SAY YOU WANT TO  
03:05PM 2 TRY YOUR BEST, YOU WANT TO DO THE RIGHT THING; CORRECT?

03:05PM 3 PROSPECTIVE JUROR: YES.

03:05PM 4 MR. COOPERSMITH: BUT IN THIS CASE, DOING THE RIGHT  
03:05PM 5 THING, AS YOU KNOW, A PROSPECTIVE JUROR, IS TO TELL US VERY  
03:05PM 6 HONESTLY WHETHER YOU REALLY DEEP DOWN COULD BE FAIR, AND I  
03:05PM 7 THINK YOU SAID YOU HAVE A FEW PERCENT RESERVATION ABOUT THAT.  
03:05PM 8 AND IS THAT THE REAL TRUTH?

03:05PM 9 PROSPECTIVE JUROR: YEAH. JUST TO BE HONEST, RIGHT,  
03:05PM 10 BECAUSE NOBODY IS HERE, PLEASE DON'T SELECT ME FOR THIS CASE.

03:05PM 11 MR. COOPERSMITH: ALL RIGHT. THANK YOU.

03:05PM 12 MR. SCHENK: NOTHING. THANK YOU.

03:05PM 13 THE COURT: OKAY. THANK YOU. THANK YOU. YOU CAN  
03:05PM 14 GO BACK OUTSIDE. THANK YOU.

03:05PM 15 (PROSPECTIVE JUROR NUMBER 209 NOT PRESENT.)

03:05PM 16 MR. COOPERSMITH: BASED ON HIS ANSWERS, YOUR HONOR,  
03:05PM 17 WE THINK HE SHOULD BE EXCLUDED FROM THE JURY FOR CAUSE.

03:05PM 18 MR. SCHENK: YOUR HONOR, I'M WILLING TO AGREE THAT  
03:05PM 19 209 SHOULD BE EXCLUDED FOR CAUSE, NOT BECAUSE HE SAID "DON'T  
03:05PM 20 SELECT ME," BUT MR. BALWANI IS ENTITLED TO JURORS WHO CAN BE  
03:05PM 21 FAIR AND TELL THE COURT THEY DON'T HAVE DOUBTS ABOUT IT, AND HE  
03:05PM 22 PUT A NUMBER ON THE EXTENT TO WHICH HE STILL HAD DOUBT. THAT  
03:05PM 23 RAISES SOME CONCERNS IN THE GOVERNMENT'S MIND.

03:05PM 24 THE COURT: I'LL EXCUSE 209 FOR CAUSE.

03:05PM 25 OKAY. WHAT DOES THAT DO FOR OUR NUMBERS SITUATION?

03:05PM 1 MR. COOPERSMITH: YOU KNOW, I'M SORRY, I DON'T THINK  
03:06PM 2 IT'S GOOD NEWS. I THINK THAT MEANS WE MIGHT NOT HAVE ENOUGH  
03:06PM 3 JURORS TO PROCEED.

03:06PM 4 THAT WASN'T OUR INTENTION HERE OR --

03:06PM 5 THE COURT: I UNDERSTAND. LET'S GO OFF THE RECORD  
03:06PM 6 AND COUNT WHAT WE HAVE HERE.

03:07PM 7 (DISCUSSION OFF THE RECORD.)

03:11PM 8 THE COURT: LET'S GO ON THE RECORD.

03:11PM 9 WE'RE BACK ON THE RECORD. ALL COUNSEL ARE PRESENT. WE'RE  
03:11PM 10 OUTSIDE OF THE PRESENCE OF ANY JURORS.

03:11PM 11 BASED ON THE NUMBERS HERE, IT LOOKS LIKE WE'RE PERILOUSLY  
03:11PM 12 CLOSE TO EITHER SELECTING A JURY TODAY, OR NOT, AND HAVING TO  
03:11PM 13 CALL IN A WHOLE NEW PANEL OR SOME OTHER NUMBERS.

03:11PM 14 BUT WE'VE LOOKED AT THE MATH AND THE NUMBERS HERE, AND I  
03:11PM 15 THINK THE GOVERNMENT HAS PROPOSED A SOLUTION, A POSSIBLE  
03:11PM 16 SOLUTION THAT -- MR. SCHENK, IF YOU COULD PUT THAT ON THE  
03:12PM 17 RECORD? AND THEN I'LL ASK MR. COOPERSMITH HIS THOUGHTS.

03:12PM 18 MR. SCHENK: YES, YOUR HONOR. THANK YOU.

03:12PM 19 SO WE'VE CONFERRED ON THE GOVERNMENT'S SIDE ABOUT WHAT  
03:12PM 20 OPTIONS WOULD BE AVAILABLE TO STILL PROCEED WITH PASSING THE  
03:12PM 21 SHEET OR SELECTING A JURY TODAY IF WE END UP STRIKING FOR CAUSE  
03:12PM 22 MORE THAN THREE JURORS IN THE AFTERNOON. AND IT LOOKS LIKE  
03:12PM 23 WE'RE RIGHT ON THAT BORDER.

03:12PM 24 SO LET ME MAKE A PROPOSAL THAT WE DISCUSSED AS A TEAM, AND  
03:12PM 25 THAT IS YESTERDAY WHEN WE ASSIGNED STRIKES, WE ASSIGNED A



03:12PM 1 CERTAIN NUMBER OF STRIKES TO EACH SIDE FOR THE IN-THE-BOX, THE  
03:12PM 2 SEATED 12 SELECTION, AND THEN FOR THE 6 ALTERNATES.

03:12PM 3 THE SEATED 12, OUR UNDERSTANDING WAS THAT THE DEFENSE  
03:12PM 4 RECEIVED THREE PEREMPTORY CHALLENGES AND THE GOVERNMENT  
03:12PM 5 RECEIVED TWO. EACH SIDE HAS THREE FOR THE ALTERNATES.

03:12PM 6 IF THE GOVERNMENT ONLY EXERCISES OR IS ASSIGNED AND  
03:13PM 7 EXERCISES ONE PEREMPTORY FOR THE IN-THE-BOX 12 JURORS, WE COULD  
03:13PM 8 STILL PROCEED WITH PASSING THE SHEET TODAY AND SELECTING OUR  
03:13PM 9 JURY.

03:13PM 10 AND BECAUSE WE SEEM TO BE RIGHT ON THE EDGE OF HAVING A  
03:13PM 11 SUFFICIENT NUMBER OF JURORS TO PROCEED WITH SELECTION AND AFTER  
03:13PM 12 REFLECTING ON THE NUMBER OF STRIKES THAT THE COURT ASSIGNED TO  
03:13PM 13 US, THE GOVERNMENT WOULD BE WILLING TO PROCEED WITH ONE STRIKE  
03:13PM 14 FOR THE SELECTION OF THE 12 SEATED JURORS.

03:13PM 15 THE COURT: ALL RIGHT. THANK YOU.

03:13PM 16 AND RETAIN THE THREE STRIKES FOR EACH SIDE FOR THE  
03:13PM 17 ALTERNATES?

03:13PM 18 MR. SCHENK: YES, YOUR HONOR.

03:13PM 19 THE COURT: MR. COOPERSMITH.

03:13PM 20 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

03:13PM 21 WE UNDERSTAND THE PROPOSAL. WE ARE GOING TO NEED TO  
03:13PM 22 DISCUSS THAT WITH OUR CLIENT BEFORE WE CAN RESPOND TO THE  
03:13PM 23 COURT. SO WITH THE COURT'S INDULGENCE, WE WOULD LIKE TO DO  
03:13PM 24 THAT.

03:13PM 25 THE COURT: ALL RIGHT. THANK YOU. LET'S TAKE A

03:13PM 1 BRIEF RECESS.

03:13PM 2 I'M SORRY, MR. SCHENK?

03:13PM 3 MR. SCHENK: I JUST WANT TO PUT SOMETHING ON A  
03:13PM 4 SEPARATE ISSUE ON THE RECORD.

03:14PM 5 THE COURT: YES.

03:14PM 6 MR. SCHENK: YOUR HONOR, WHEN WE WERE CLOSING OUR  
03:14PM 7 INDIVIDUAL VOIR DIRE, MR. COOPERSMITH READ TO THE COURT A LIST  
03:14PM 8 OF NUMBERS SAYING THAT THE DEFENSE HAD BEEN REQUESTING TO  
03:14PM 9 INDIVIDUALLY VOIR DIRE JURORS WHO KNEW ABOUT THE RELATIONSHIP  
03:14PM 10 AND WHO WERE FAMILIAR WITH THE CONVICTION AND SUGGESTED THERE  
03:14PM 11 WAS A LIST OF JURORS WHO KNEW ABOUT THE RELATIONSHIP THAT WE  
03:14PM 12 DID NOT INDIVIDUALLY VOIR DIRE.

03:14PM 13 AND MR. COOPERSMITH TOLD THE COURT THOSE NUMBERS WERE 202,  
03:14PM 14 185, 209, 216, AND 221.

03:14PM 15 WHAT HE DIDN'T TELL THE COURT, THOUGH, IS THAT THERE'S AN  
03:14PM 16 IMPORTANT DIFFERENCE BETWEEN JURORS WHO KNEW ABOUT THE  
03:14PM 17 RELATIONSHIP. THOSE NUMBERS WERE PEOPLE WHO RAISED THEIR HAND  
03:14PM 18 AND SAID THAT THEY KNEW ABOUT THE ROMANTIC RELATIONSHIP, A FACT  
03:14PM 19 MR. COOPERSMITH TOLD THEM IN VOIR DIRE TODAY.

03:14PM 20 THE QUESTIONNAIRE ASKED IF ANYBODY KNEW ABOUT A  
03:14PM 21 RELATIONSHIP BETWEEN HOLMES AND BALWANI.

03:14PM 22 TODAY IN VOIR DIRE MR. COOPERSMITH SAID, DOES ANYBODY KNOW  
03:15PM 23 ABOUT A ROMANTIC RELATIONSHIP BETWEEN THE TWO OF THEM, ACTUALLY  
03:15PM 24 I THINK IN MORE SUGGESTIVE LANGUAGE, AND SOME OF THE JURORS I  
03:15PM 25 JUST READ TO THE COURT RESPONDED YES.

03:15PM 1 MR. COOPERSMITH, IN ATTORNEY CONDUCTED VOIR DIRE, FOLLOWED  
03:15PM 2 UP WITH JURORS AND ASKED, OF THE ONES WHO KNOW ABOUT THE  
03:15PM 3 ROMANTIC RELATIONSHIP, WHO HAS VIEWS ABOUT MR. BALWANI THAT  
03:15PM 4 WILL AFFECT THEIR ABILITY TO BE FAIR?

03:15PM 5 TWO RESPONDED: 196 AND 210. WE DID INDIVIDUALLY VOIR  
03:15PM 6 DIRE 196 AND 210.

03:15PM 7 SO TO SUGGEST THAT WE SHOULD INDIVIDUALLY VOIR DIRE THESE  
03:15PM 8 OTHER JURORS WHO KNEW ABOUT THE RELATIONSHIP, A THING THAT  
03:15PM 9 MR. COOPERSMITH CAUSED, IS NOT NECESSARY.

03:15PM 10 AND I JUST WANT TO PUT ON THE RECORD THERE'S NO  
03:15PM 11 INSUFFICIENT INDIVIDUAL VOIR DIRE THAT OCCURRED TODAY ON THE  
03:15PM 12 QUESTION OF THE RELATIONSHIP. WE TALKED TO THE JURORS TODAY  
03:15PM 13 THAT EXPRESSED A CONCERN ABOUT THEIR ABILITY TO BE FAIR TO  
03:16PM 14 MR. BALWANI IN LIGHT OF THE RELATIONSHIP.

03:16PM 15 THANK YOU.

03:16PM 16 THE COURT: THANK YOU. THAT'S THE COURT'S  
03:16PM 17 RECOLLECTION, THAT THE TWO RAISED THEIR HAND IN RESPONSE TO THE  
03:16PM 18 QUESTION.

03:16PM 19 MR. COOPERSMITH: YOUR HONOR, ON THAT POINT, THE  
03:16PM 20 RECORD WILL SPEAK FOR ITSELF AND I DON'T HAVE ANYTHING TO ADD  
03:16PM 21 TO THAT RIGHT NOW.

03:16PM 22 BUT WHAT I WOULD LIKE TO PUT ON THE RECORD, THOUGH, IS  
03:16PM 23 THAT WE BELIEVED -- AND WE HAVE SAID THIS, YOU KNOW, SEVERAL  
03:16PM 24 TIMES THROUGHOUT THIS WHOLE PROCESS FOR SELECTING A JURY --  
03:16PM 25 THAT FOR JURORS WHO KNOW IN PARTICULAR ABOUT THE ABUSE

03:16PM 1 ALLEGATIONS OR WHO KNOW ABOUT THE PRIOR CONVICTION, WE THINK  
03:16PM 2 THOSE JURORS -- AND ALWAYS HAVE BELIEVED -- THOSE ARE TOO  
03:16PM 3 DANGEROUS TO PUT ON THE JURY.

03:16PM 4 WHAT WE HAVE DONE, THOUGH, INCLUDING TODAY, AND JUST A FEW  
03:16PM 5 MINUTES AGO, IS WE HAVE NOT AGAIN MOVED FOR CAUSE FOR JURORS  
03:16PM 6 THAT WE UNDERSTAND THE COURT WAS NOT INCLINED TO STRIKE JURORS  
03:16PM 7 ON A WHOLESALE BASIS JUST BECAUSE OF THEIR KNOWLEDGE OF THE  
03:16PM 8 ABUSE ALLEGATIONS OR CONVICTIONS.

03:16PM 9 SO BASED ON THAT RECORD WE HAVE ALREADY ESTABLISHED, WE  
03:16PM 10 DIDN'T WANT TO WASTE ANYONE'S TIME AND CONTINUE TO MOVE FOR  
03:17PM 11 CAUSE WITH THE SAME ARGUMENT THAT WE KNEW WOULDN'T SUCCEED  
03:17PM 12 WHICH THE COURT ALREADY RULED ON.

03:17PM 13 SO FOR THE RECORD, WE DO OBJECT TO JURORS WHO KNOW ABOUT  
03:17PM 14 THE CONVICTION AND THE ABUSE, BUT WE UNDERSTAND HOW THE COURT  
03:17PM 15 HAS RULED ON THAT AND THAT'S HOW WE PROCEEDED.

03:17PM 16 THE COURT: OKAY.

03:17PM 17 MR. COOPERSMITH: AND FINALLY, YOUR HONOR, I THINK  
03:17PM 18 WE LEFT OFF ONE THING, WHICH IS WE NEVER GOT TO JUROR 210 TO  
03:17PM 19 DISCUSS THAT JUROR NOW THAT I'M LOOKING AT MY NOTES AGAIN.

03:17PM 20 JUROR 210 WAS THE GENTLEMAN WHO CAME IN I THINK LAST OF  
03:17PM 21 THE INDIVIDUAL VOIR DIRES THAT WE JUST CONDUCTED HERE IN THE  
03:17PM 22 DELIBERATION ROOM.

03:17PM 23 I DON'T THINK WE HAD ANY DISCUSSION ABOUT HIM. WE DO  
03:17PM 24 THINK THAT'S ANOTHER JUROR, AND I'M SORRY TO SAY, WE HAVE REAL  
03:17PM 25 CONCERN ABOUT.

03:17PM 1 AND HE WAS VERY HONEST, AND I THINK WHAT HE ULTIMATELY  
03:17PM 2 SAID WAS THAT HE DIDN'T THINK THAT, YOU KNOW, HE WOULD BE -- I  
03:17PM 3 THINK HE VOLUNTEERED THIS, AS I RECALL IT. THAT HE DIDN'T  
03:17PM 4 THINK HE COULD BE -- HE DIDN'T THINK IT WAS -- HE WOULD BE A  
03:17PM 5 GOOD JUROR FOR THIS CASE BECAUSE OF HIS VIEWS ABOUT THE CASE  
03:18PM 6 AND WHAT HE KNOWS ABOUT THE CASE WAS THE RELATIONSHIP, HE KNEW  
03:18PM 7 ABOUT THE CONVICTION.

03:18PM 8 AND ALTHOUGH HE ULTIMATELY ANSWERED THE QUESTION AND SAID  
03:18PM 9 HE WOULD TRY TO BE FAIR, WE THINK THERE WAS ENOUGH THERE THAT  
03:18PM 10 HE FELT LIKE WITH HIS KNOWLEDGE OF THE RELATIONSHIP AND THE  
03:18PM 11 CONVICTION, HE WOULD THINK MR. BALWANI WAS RESPONSIBLE.

03:18PM 12 AND WE THINK, UNFORTUNATELY, THAT'S ANOTHER JUROR WE WOULD  
03:18PM 13 PUT ON THE RECORD WE WOULD MOVE FOR CAUSE.

03:18PM 14 THE COURT: OKAY.

03:18PM 15 MR. SCHENK.

03:18PM 16 MR. SCHENK: YOUR HONOR, THE GOVERNMENT OPPOSES  
03:18PM 17 EXCUSING 210 FOR CAUSE.

03:18PM 18 210 TOLD US THAT HE WAS WILLING TO LOOK AT JUST WHAT I  
03:18PM 19 HEAR HERE IN COURT.

03:18PM 20 MR. COOPERSMITH ASKED HIM IF HE HAD A VIEW ON THE  
03:18PM 21 ELIZABETH HOLMES TRIAL, AND HE SAID HE HAD NO VIEW ON WHETHER  
03:18PM 22 THAT TRIAL WAS CORRECT OR NOT.

03:18PM 23 HE TOLD US THAT HE IS AN ENGINEER AND HAS TRAINING IN THAT  
03:18PM 24 FIELD, AND HE ACTUALLY I THINK WAS SUGGESTING THAT IT IS  
03:18PM 25 BECAUSE OF THAT TRAINING, HE BELIEVES THAT HE CAN SEPARATE WHAT

03:19PM 1 HE HAS PREVIOUSLY HEARD ABOUT OR HIS VIEWS FROM WHAT HE'S BEING  
03:19PM 2 ASKED TO DO AS A JUROR, AND THAT IS TO EVALUATE THE EVIDENCE  
03:19PM 3 HERE IN THE COURTROOM.

03:19PM 4 SO WITH 210, WE HAVE SOMETHING ACTUALLY MORE THAN WE'VE  
03:19PM 5 HAD WITH OTHER JURORS, AND THAT IS A RECOGNITION OF THIS  
03:19PM 6 INFORMATION ATTRIBUTION IDEA: I HAVE HEARD OTHER THINGS ABOUT  
03:19PM 7 THIS CASE, I KNOW THE SOURCE, AND I HAVE TRAINING THAT WILL  
03:19PM 8 HELP ME SEPARATE WHAT I'VE HEARD IN THE PAST FROM MY JOB AS A  
03:19PM 9 JUROR AND EVALUATING WHAT I HEAR IN THE COURTROOM AND USING  
03:19PM 10 ONLY THAT INFORMATION TO REACH A VERDICT.

03:19PM 11 AND I THINK BECAUSE OF THAT THOUGHTFUL ANSWER, WE DO NOT  
03:19PM 12 NEED TO EXCUSE 210 FOR CAUSE.

03:19PM 13 MR. COOPERSMITH: THE ONLY THING I'LL SAY IN  
03:19PM 14 ADDITION OTHER THAN WHAT I HAVE ALREADY SAID, YOUR HONOR, IS  
03:19PM 15 THAT I BELIEVE THE JUROR WHO SAID THAT HE HAD TRAINING IN HIS  
03:19PM 16 JOB TO BE ABLE TO COMPARTMENTALIZE WAS JUROR 207. HE WAS THE  
03:20PM 17 GENTLEMAN WHO SAID WHEN HE DID PERFORMANCE REVIEWS, SOMETIMES  
03:20PM 18 IT WAS NECESSARY TO PUT OTHER FACTS OUT OF HIS MIND.

03:20PM 19 I DO NOT RECALL THAT, UNLESS SOMEONE CORRECTS ME, WITH  
03:20PM 20 210.

03:20PM 21 THE COURT: NO, YOU'RE CORRECT. 207 TOLD US ABOUT  
03:20PM 22 THE TRAINING THAT HE HAD FOR UNCONSCIOUS BIAS.

03:20PM 23 MR. COOPERSMITH: RIGHT.

03:20PM 24 THE COURT: BUT I DO BELIEVE THAT HE, 210, TOLD US  
03:20PM 25 HE COULD FORGET HIS EMOTION. HE'S AN ENGINEER AND HE CAN DO

03:20PM 1 IT.

03:20PM 2 AND WHEN HE WAS TALKING ABOUT SEPARATING THOSE TWO, HE  
03:20PM 3 SAID HE'S WILLING TO BE FAIR, I WILL TAKE IT SERIOUSLY.

03:20PM 4 AND HE DID KNOW OF THE GUILTY VERDICT IN MS. HOLMES'S  
03:20PM 5 CASE. HE DIDN'T KNOW WHAT COUNTS OR ANYTHING. I THINK HE SAID  
03:20PM 6 THERE WAS GUILTY.

03:20PM 7 AND IN RESPONSE TO YOUR QUESTION, HE SAID, I HAVE NO VIEW  
03:20PM 8 WHETHER THAT VERDICT IS CORRECT OR NOT. HE DIDN'T.

03:20PM 9 HE TALKED ABOUT AND TOLD US HE'S AN ENGINEER TO TELL US --  
03:21PM 10 I TOOK THAT TO MEAN HE CAN PARSE THINGS, AND SEPARATE THINGS.

03:21PM 11 SO I'M NOT GOING TO -- I DO BELIEVE THAT HE HAS EXPRESSED  
03:21PM 12 KNOWLEDGE OF SEPARATING WHAT HE HAS READ, HEARD, AND LEARNED  
03:21PM 13 ABOUT IN THE CASE PREVIOUSLY. HE RECOGNIZES HIS  
03:21PM 14 RESPONSIBILITIES, THE RESPONSIBILITIES OF A JUROR HERE TO  
03:21PM 15 SEPARATE ALL OF THAT. HE TOLD US HE COULD DO IT AND I TAKE HIM  
03:21PM 16 AT HIS WORD.

03:21PM 17 JUST WATCHING THE DEMEANOR AND NATURE AND QUALITY OF HIS  
03:21PM 18 RESPONSES TO THOSE QUESTIONS AS WELL, WE'RE SITTING HERE IN  
03:21PM 19 SOMEWHAT INTIMACY AROUND THE TABLE HERE AND WE'RE CLOSER TO OUR  
03:21PM 20 PROSPECTIVE JURORS THAN WE WERE OUT IN THE BOX, AND I WAS  
03:21PM 21 STRUCK BY THAT AS HE LOOKED US IN THE EYE AND ANSWERED THOSE  
03:21PM 22 QUESTIONS.

03:21PM 23 SO I'M NOT GOING TO STRIKE HIM FOR CAUSE. BUT THANK YOU  
03:21PM 24 FOR RAISING THAT.

03:21PM 25 LET'S TAKE A RECESS. WE WILL REPOSITION THE JURORS.

03:22PM 1 YOU'LL TALK TO YOUR FOLKS AND WE'LL GIVE YOU A CHANCE FOR A  
03:22PM 2 BREAK AND THEN WE'LL RECONVENE.

03:22PM 3 MR. COOPERSMITH: THANK YOU.

03:22PM 4 MR. SCHENK: THANK YOU.

03:22PM 5 (END OF DISCUSSION AT SIDE-BAR.)

03:24PM 6 THE COURT: THANK YOU. WE'RE BACK ON THE RECORD.

03:24PM 7 ALL COUNSEL ARE PRESENT. THE PROSPECTIVE PANEL IS PRESENT.

03:24PM 8 LADIES AND GENTLEMEN, THANK YOU AGAIN FOR YOUR PATIENCE.

03:24PM 9 WE'RE PERILOUSLY CLOSE TO FINISHING OUR DAY TODAY.

03:24PM 10 WHAT I AM GOING TO DO IS THAT I NEED YOU TO -- I'M GOING  
03:24PM 11 TO HAVE OUR COURTROOM DEPUTY TO ESCORT YOU TO THE NEXT  
03:24PM 12 COURTROOM, THE ROOM THAT WOULD BE USED FOR DELIBERATIONS, AND  
03:24PM 13 I'M JUST GOING TO HAVE YOU STAY THERE FOR A MOMENT WHILE I  
03:24PM 14 SPEAK ONCE AGAIN WITH THESE LAWYERS PRIVATELY, AND THEN WE'LL  
03:24PM 15 BE ABLE TO SUMMON YOU BACK AND I EXPECT CONCLUDE OUR COURT DAY  
03:24PM 16 SHORTLY.

03:24PM 17 SO, MS. ROBINSON, IF YOU COULD ESCORT OUR PROSPECTIVE  
03:24PM 18 PANEL INTO THE COURTROOM.

03:24PM 19 (PROSPECTIVE JURY PANEL OUT AT 3:24 P.M.)

03:26PM 20 THE COURT: ALL RIGHT. PLEASE BE SEATED. THANK  
03:26PM 21 YOU.

03:26PM 22 THE RECORD SHOULD REFLECT THAT OUR PROSPECTIVE PANEL HAVE  
03:26PM 23 LEFT THE COURTROOM. THEY WILL COLLECT THEMSELVES NEXT DOOR.

03:26PM 24 COUNSEL, WE'LL TAKE A BRIEF RECESS TO ALLOW YOU TO DISCUSS  
03:26PM 25 AND ASSESS THINGS WITH YOUR TEAMS, I'LL COME BACK, AND WE'LL



03:26PM 1 SEE WHAT STEPS WE TAKE NEXT.

03:26PM 2 ANYTHING FURTHER BEFORE I STEP DOWN?

03:26PM 3 MR. SCHENK: NO. THANK YOU, YOUR HONOR.

03:26PM 4 MR. COOPERSMITH: HOW LONG A BREAK WOULD YOU --

03:26PM 5 THE COURT: WHAT WOULD YOU LIKE?

03:26PM 6 MR. COOPERSMITH: WE HAVE A FEW THINGS TO DISCUSS,  
03:26PM 7 SO IF WE CAN HAVE 20 MINUTES? IS THAT ACCEPTABLE?

03:26PM 8 THE COURT: LET'S SEE. IS IT 3:30, 3:25? SHOULD WE  
03:27PM 9 COME BACK AT QUARTER TILL THE HOUR? WOULD THAT WORK?

03:27PM 10 MR. COOPERSMITH: YES, YOUR HONOR.

03:27PM 11 THE COURT: OKAY. WE'LL SEE YOU THEN. THANK YOU.

03:27PM 12 (RECESS FROM 3:27 P.M. UNTIL 3:47 P.M.)

03:47PM 13 THE COURT: ALL RIGHT. THANK YOU. PLEASE BE  
03:47PM 14 SEATED. THANK YOU AGAIN FOR YOUR COURTESY.

03:47PM 15 WE'RE BACK ON THE RECORD. ALL COUNSEL ARE PRESENT.

03:47PM 16 MR. BALWANI IS PRESENT.

03:47PM 17 WE'RE OUTSIDE OF THE PRESENCE OF OUR PROSPECTIVE JURY  
03:48PM 18 PANELS.

03:48PM 19 UPDATE? DO COUNSEL WANT TO UPDATE ME ON THE STATUS OF  
03:48PM 20 THINGS?

03:48PM 21 MR. COOPERSMITH: YES, YOUR HONOR.

03:48PM 22 SO THANK YOU FOR THE TIME FOR HAVING US CONFER. I  
03:48PM 23 APPRECIATE THAT.

03:48PM 24 WE DON'T OBJECT TO THE GOVERNMENT'S SUGGESTION THAT WE --  
03:48PM 25 THEY GIVE UP ONE OF THEIR TWO STRIKES. THEY HAVE ONE STRIKE

03:48PM 1 FOR THE GROUP OF 12 IN THE PASSING THE SHEET PROCESS, AND WE'LL  
03:48PM 2 RETAIN OUR THREE STRIKES, AND THEN EACH SIDE WOULD HAVE THREE  
03:48PM 3 STRIKES WHEN WE DEAL WITH THE ALTERNATE JURORS.

03:48PM 4 THE COURT: ALL RIGHT.

03:48PM 5 MR. COOPERSMITH: SO WE DON'T OBJECT TO THAT, AND I  
03:48PM 6 THINK IT'S A CREATIVE SOLUTION THAT ALLOWS US TO MOVE FORWARD  
03:48PM 7 UNDER THE CIRCUMSTANCES.

03:48PM 8 I JUST WANT TO CLARIFY THREE THINGS SO WE'RE REALLY CLEAR.  
03:48PM 9 THERE WERE THREE JURORS, 131 -- I DON'T KNOW IF THE COURT HAS  
03:48PM 10 RULED YET ON WHAT THE COURT WILL DO YET WITH 131, WHO HAS A  
03:48PM 11 HARDSHIP IN THE CASE.

03:48PM 12 AND THEN JUST SO I'M CLEAR, I THINK 179 IS A JUROR WHO WAS  
03:49PM 13 NOT ABLE TO COME TODAY BECAUSE OF A DOCTOR APPOINTMENT. I WANT  
03:49PM 14 TO MAKE SURE THAT THAT MEANS JUST FOR TODAY, BUT THE PERSON IS  
03:49PM 15 STILL IN THE POOL.

03:49PM 16 AND THEN THE OTHER ONE WAS 206, WHO DIDN'T APPEAR TODAY  
03:49PM 17 BECAUSE I BELIEVE OF A SICK CHILD SITUATION.

03:49PM 18 SO 206, AS I UNDERSTAND IT, IS NOT ELIGIBLE ANYMORE.

03:49PM 19 179 IS STILL ELIGIBLE BECAUSE IT WAS JUST A DOCTOR'S  
03:49PM 20 APPOINTMENT TODAY.

03:49PM 21 AND 131 THE COURT WOULD HAVE TO RULE ON THAT.

03:49PM 22 I WANTED TO MAKE SURE WE CLARIFY THOSE THREE THINGS.

03:49PM 23 THE COURT: MR. SCHENK.

03:49PM 24 MR. SCHENK: I AGREE 131 CAN BE EXCUSED FOR  
03:49PM 25 HARDSHIP. THAT WOULD LEAVE US WITH NINE JURORS IN THE BOX.

03:49PM 1 MY UNDERSTANDING IS THAT THE ISSUE WITH 179 WAS JUST  
03:49PM 2 TODAY, AND THAT 179 WOULD BE OUR FIRST REMAINING JUROR FROM  
03:49PM 3 PANEL NUMBER 2 AND AVAILABLE GOING FORWARD.

03:50PM 4 NO SIDE HAS EXERCISED ANY STRIKES AND THERE HAVEN'T BEEN  
03:50PM 5 RULINGS FROM THE COURT SUGGESTING CAUSE OR HARDSHIP FOR 179.

03:50PM 6 SO OTHER THAN AN UNAVAILABILITY TO COME TO THE COURTHOUSE  
03:50PM 7 TODAY, 179 IS AVAILABLE AS A JUROR GOING FORWARD.

03:50PM 8 AND THEN WAS THE NUMBER 206?

03:50PM 9 MR. COOPERSMITH: YES.

03:50PM 10 MR. SCHENK: IF A JUROR DOESN'T SHOW, THEY'RE NOT  
03:50PM 11 AVAILABLE, THEY DIDN'T PARTICIPATE IN THE VOIR DIRE.

03:50PM 12 THE COURT: AND 206 I BELIEVE RANG THE COURT EARLY  
03:50PM 13 THIS MORNING AND TALKED ABOUT CHILDCARE ISSUES.

03:50PM 14 MR. COOPERSMITH: YES, YOUR HONOR.

03:50PM 15 THE COURT: AND DID NOT APPEAR TODAY. SO THAT JUROR  
03:50PM 16 IS NOT IN THE POOL AND IS OTHERWISE STRICKEN.

03:50PM 17 179, WE RECEIVED INFORMATION ABOUT A DOCTOR'S APPOINTMENT  
03:50PM 18 TODAY, AND THAT'S THE ONLY INFORMATION THAT I HAVE.

03:50PM 19 SO MY ASSUMPTION IS THAT 179 HAS NOT BEEN EXCUSED, HAS NOT  
03:50PM 20 BEEN TOLD THAT THEY ARE EXCUSED. SO THEY ARE STILL IN THE MIX  
03:51PM 21 AS FAR AS THE COURT IS CONCERNED.

03:51PM 22 AND, MS. ROBINSON, HAVE WE HEARD ANYTHING ELSE FROM  
03:51PM 23 JUROR 179 OR THE COMMISSIONER REGARDING THAT JUROR STATUS?

03:51PM 24 THE CLERK: NOTHING FURTHER.

03:51PM 25 THE COURT: OKAY. SO THE PRESUMPTION IS THAT THAT

03:51PM 1 IS CORRECT, MR. COOPERSMITH, THAT THAT JUROR IS STILL IN THE  
03:51PM 2 MIX.

03:51PM 3 MR. SCHENK.

03:51PM 4 MR. SCHENK: YES, YOUR HONOR, WE AGREE.

03:51PM 5 THE COURT: OKAY. I WILL STRIKE 131. I DO WANT TO  
03:51PM 6 SPEAK WITH 131 BEFORE SHE LEAVES TODAY. WE'LL BRING HER IN.

03:51PM 7 ARE WE THEN READY TO -- LET ME UNDERSTAND, THE GOVERNMENT  
03:51PM 8 IS WILLING AND IS OFFERING TO RELIEVE ITSELF OF ONE OF ITS  
03:51PM 9 STRIKES, WHICH WOULD MEAN THAT THE DEFENSE WOULD HAVE THREE AND  
03:51PM 10 THE GOVERNMENT WOULD HAVE ONE FOR THE 12.

03:51PM 11 IS THAT ACCURATE?

03:51PM 12 MR. SCHENK: YES, YOUR HONOR, THAT'S ACCURATE.

03:51PM 13 THE COURT: ALL RIGHT. THANK YOU.

03:52PM 14 AND THEN TO START THAT PROCESS, WHAT ARE YOUR THOUGHTS  
03:52PM 15 ABOUT THAT? SHOULD THE DEFENSE GO FIRST WITH THEIR FIRST  
03:52PM 16 STRIKE AND THEN PASS TO THE GOVERNMENT?

03:52PM 17 MR. COOPERSMITH?

03:52PM 18 MR. COOPERSMITH: I THINK IT SHOULD PROCEED IN THE  
03:52PM 19 NORMAL FASHION, THE GOVERNMENT GETS A STRIKE, THE DEFENSE  
03:52PM 20 GETS --

03:52PM 21 THE COURT: THREE.

03:52PM 22 MR. COOPERSMITH: I GUESS THREE, RIGHT? THAT WOULD  
03:52PM 23 BE IT.

03:52PM 24 THE COURT: ARE YOU WILLING TO WAIVE SOME? IS THAT  
03:52PM 25 YOUR HESITATION?

03:52PM 1 MR. COOPERSMITH: NO, NO HESITATION. I THINK THAT'S  
03:52PM 2 WHAT IT IS. THANK YOU.

03:52PM 3 THE COURT: ALL RIGHT.

03:52PM 4 MR. SCHENK?

03:52PM 5 MR. SCHENK: WE'RE FINE WITH THAT. I THINK WE  
03:52PM 6 SHOULD CONFIRM THE NINE THAT ARE IN THE BOX.

03:52PM 7 THE COURT: YES. THAT'S THE NEXT STEP.

03:52PM 8 ALL RIGHT. THANK YOU.

03:52PM 9 SO THE GOVERNMENT WILL EXERCISE THEIR STRIKE ONCE WE GET  
03:52PM 10 TO THAT PART OF PASSING THE SHEET, AND THEN YOU WILL HAVE --  
03:52PM 11 UNLESS THEY PASS -- AND THEN YOU WILL HAVE THREE TOTAL STRIKES.

03:52PM 12 MR. COOPERSMITH: RIGHT. YES, YOUR HONOR.

03:52PM 13 THE COURT: OKAY. AND LET'S -- WHY DON'T YOU --  
03:53PM 14 MR. SCHENK, IF YOU WANT TO SING OUT AND CALL THE NUMBERS FOR  
03:53PM 15 THE EIGHT SEATS THAT WE HAVE AVAILABLE.

03:53PM 16 MR. COOPERSMITH, I'LL ASK YOUR TEAM TO PAY ATTENTION AND  
03:53PM 17 VERIFY IT BEFORE WE START THE PROCESS.

03:53PM 18 MR. SCHENK.

03:53PM 19 MR. SCHENK: YES, YOUR HONOR.

03:53PM 20 LET ME JUST CONFIRM, WHAT THE COURT WANTS IS THE NUMBERS  
03:53PM 21 FOR THE JURORS THAT WE SHOULD BE SELECTING AMONG, OR THE JURORS  
03:53PM 22 THAT ARE REMAINING GIVEN THE COURT'S EXCUSE?

03:53PM 23 THE COURT: WELL, I THINK WE CAN DO BOTH, CAN'T WE?

03:53PM 24 MR. SCHENK: YES.

03:53PM 25 THE COURT: I THINK WE SHOULD DO BOTH JUST FOR

03:53PM 1 CLARITY.

03:53PM 2 MR. SCHENK: SO THE REMAINING JURORS, JUROR NUMBER 1

03:53PM 3 IS JUROR 67;

03:53PM 4 JUROR NUMBER 2 IS 102;

03:53PM 5 JUROR NUMBER 3 IS 108;

03:53PM 6 JUROR NUMBER 4 IS 109;

03:53PM 7 JUROR NUMBER 5 IS 114;

03:54PM 8 JUROR NUMBER 6 IS 116.

03:54PM 9 JUROR NUMBER 7 IS 125;

03:54PM 10 JUROR NUMBER 8 IS 129; AND,

03:54PM 11 JUROR NUMBER 9 IS 133.

03:54PM 12 AND THEN WE HAVE THREE EMPTY SEATS IN THE BOX.

03:54PM 13 MR. COOPERSMITH: WE AGREE WITH THAT, YOUR HONOR.

03:54PM 14 THE COURT: ALL RIGHT. THANK YOU.

03:54PM 15 MR. SCHENK: AND THEN WE HAVE SIX JURORS THAT WOULD

03:54PM 16 BE THE FIRST GROUP, AND WE GET THOSE FROM THE ALTERNATES AND

03:54PM 17 THE TWO LEFT OVER FROM PANEL NUMBER 2.

03:54PM 18 SO OUR REMAINING SORT OF NEXT GROUP ARE 142;

03:54PM 19 164;

03:54PM 20 169; AND,

03:54PM 21 170.

03:54PM 22 THOSE ARE OUR FOUR REMAINING ALTERNATES FOLLOWING FRIDAY'S

03:55PM 23 SELECTION.

03:55PM 24 I'M SORRY. LET ME START THAT AGAIN.

03:55PM 25 142;

03:55PM 1 164;

03:55PM 2 167;

03:55PM 3 169; AND,

03:55PM 4 170.

03:55PM 5 THOSE ARE THE REMAINING ALTERNATES FOLLOWING THE PROCESS  
03:55PM 6 ON FRIDAY.

03:55PM 7 AND THEN 179 AND 181 ARE THE LEFTOVER JURORS FROM PANEL  
03:55PM 8 NUMBER 2.

03:55PM 9 AND THEN I CAN MOVE ON TO TODAY.

03:55PM 10 THE COURT: DO YOU AGREE WITH THAT CALCULATION,  
03:55PM 11 MR. COOPERSMITH?

03:55PM 12 MR. COOPERSMITH: YES, YOUR HONOR.

03:55PM 13 MY UNDERSTANDING, THOUGH, IS WHEN WE DEAL WITH THE  
03:55PM 14 STRIKES, PEREMPTORY STRIKES FOR THE ALTERNATE BOX, THAT ALL OF  
03:55PM 15 THE POTENTIAL ALTERNATES ARE IN PLAY FOR PEREMPTORY STRIKES.  
03:55PM 16 IS THAT --

03:55PM 17 THE COURT: THAT'S WHAT WE'RE GOING TO -- I THINK  
03:55PM 18 THAT'S WHAT YOU'RE GOING TO SPEAK TO NEXT, MR. SCHENK?

03:55PM 19 MR. SCHENK: CAN YOU ASK THAT QUESTION AGAIN? I  
03:56PM 20 DIDN'T UNDERSTAND IT.

03:56PM 21 MR. COOPERSMITH: LET ME SEE IF I CAN REPHRASE.

03:56PM 22 SO RIGHT NOW, AS WE STAND HERE RIGHT NOW, WE DON'T HAVE  
03:56PM 23 ANY ALTERNATE JURORS. WE'RE GOING TO SELECT AN ALTERNATE JURY,  
03:56PM 24 AND WHEN THE PARTIES EXERCISE PEREMPTORY STRIKES, THEY WILL BE  
03:56PM 25 ABLE TO STRIKE ANY JUROR WHO IS ELIGIBLE TO SERVE AS AN

03:56PM 1 ALTERNATE JUROR WITH A PEREMPTORY STRIKE, IN OTHER WORDS, WE  
03:56PM 2 HAD NOT LOCKED IN ANY ALTERNATE JURORS THE WAY WE HAD LOCKED IN  
03:56PM 3 NINE FOR THE MAIN JURY.

03:56PM 4 MR. SCHENK: YES, THAT'S CORRECT.

03:56PM 5 OUR POOL OF AVAILABLE JURORS BEGINS AT 142, SO WHEN THE  
03:56PM 6 GOVERNMENT RECEIVES THE SHEET AND MAKES A DECISION ABOUT  
03:56PM 7 EXERCISING THAT FIRST STRIKE, IT CAN STRIKE ANYBODY WITHIN THE  
03:56PM 8 FIRST THREE: 142, 164, OR 167 BECAUSE WE HAVE THREE AVAILABLE  
03:56PM 9 SEATS IN THE BOX.

03:56PM 10 IF THE GOVERNMENT STRIKES ONE OF THOSE, THEN THE DEFENSE  
03:56PM 11 GETS TO STRIKE DOWN TO 169 WITH ITS FIRST STRIKE, AND EACH  
03:56PM 12 STRIKE MAKES ONE MORE JUROR AVAILABLE AS AN IN-THE-BOX JUROR,  
03:57PM 13 AND THEN WE COMPLETE THE IN-THE-BOX PROCESS.

03:57PM 14 AND THEN WE DO THE SAME THING FOR SIX JURORS FOR  
03:57PM 15 ALTERNATES.

03:57PM 16 THE COURT: FOR ALTERNATES.

03:57PM 17 MR. COOPERSMITH: THAT'S MY UNDERSTANDING,  
03:57PM 18 YOUR HONOR. THANK YOU.

03:57PM 19 TO ANSWER YOUR OTHER QUESTION, I THINK MR. SCHENK SAID  
03:57PM 20 142, 164, 167, 169, 170, 179, AND 181, THOSE ARE ALL JURORS  
03:57PM 21 ELIGIBLE TO BE ALTERNATE JURORS -- ELIGIBLE TO BE JURORS I  
03:57PM 22 SHOULD SAY, PERIOD. AND THOSE WERE THE JURORS LEFT OVER FROM  
03:57PM 23 PANEL 2 I BELIEVE.

03:57PM 24 THE COURT: THOSE ARE THE LEFTOVERS FROM PANEL 2,  
03:57PM 25 THAT'S CORRECT.



03:57PM 1 MR. COOPERSMITH: YES.

03:57PM 2 THE COURT: AND WE'RE GOING THROUGH -- THE FIRST  
03:57PM 3 SELECTION PROCESS WILL BE TO FILL THE 12 SEATS IN THE BOX, AND  
03:57PM 4 ONCE -- I'M GOING TO ASK YOU IF YOU'RE READY TO PASS THE SHEET  
03:57PM 5 IN JUST A MOMENT.

03:57PM 6 ONCE THAT IS COMPLETED, THEN WE'LL ENGAGE THE SELECTION  
03:57PM 7 PROCESS FOR THE SIX ALTERNATES.

03:57PM 8 MR. COOPERSMITH: YES, YOUR HONOR.

03:57PM 9 THE COURT: DOES THAT MAKE SENSE?

03:57PM 10 MR. SCHENK: YES.

03:57PM 11 THE COURT: OKAY.

03:57PM 12 MR. SCHENK: THERE ARE A FEW JURORS THAT ARE  
03:58PM 13 AVAILABLE TO US FROM TODAY'S PROCESS, AND TO MAKE SURE WE'RE ON  
03:58PM 14 THE SAME PAGE, I'M HAPPY TO READ THOSE NUMBERS AS WELL.

03:58PM 15 THE COURT: YES.

03:58PM 16 MR. SCHENK: 184;

03:58PM 17 185;

03:58PM 18 187;

03:58PM 19 191;

03:58PM 20 195.

03:58PM 21 I BELIEVE THE COURT STRUCK 196 FOR CAUSE.

03:58PM 22 THAT LEAVES 197.

03:58PM 23 THE COURT STRUCK 198 FOR CAUSE.

03:58PM 24 MR. COOPERSMITH: YOUR HONOR, JUST A CORRECTION.

03:58PM 25 THE COURT I BELIEVE STRUCK 198 FOR HARDSHIP.

03:58PM 1 THE COURT: FOR HARDSHIP.

03:58PM 2 MR. SCHENK: YES, THAT'S CORRECT.

03:58PM 3 THE NEXT JUROR AVAILABLE IS 207;

03:59PM 4 210;

03:59PM 5 216;

03:59PM 6 221;

03:59PM 7 225; AND,

03:59PM 8 237.

03:59PM 9 MR. COOPERSMITH: CAN I QUICKLY CONFER WITH MY TEAM?

03:59PM 10 (DISCUSSION AMONGST DEFENSE COUNSEL OFF THE RECORD.)

03:59PM 11 THE COURT: 209?

03:59PM 12 MR. COOPERSMITH: 209 WAS STRUCK FOR CAUSE,

03:59PM 13 YOUR HONOR.

03:59PM 14 THE LIST IS CORRECT, YOUR HONOR.

03:59PM 15 THE COURT: OKAY. THANK YOU. THANK YOU FOR THAT.

04:00PM 16 ALL RIGHT. SO WE HAVE ESTABLISHED THEN THE UNIVERSE OF

04:00PM 17 JURORS AVAILABLE FOR THE SELECTION PROCESS.

04:00PM 18 WE'VE ESTABLISHED THE PROTOCOL FOR THE SELECTION PROCESS.

04:00PM 19 SHOULD THAT PROCESS NOW BEGIN?

04:00PM 20 MR. SCHENK: YES, YOUR HONOR.

04:00PM 21 MR. COOPERSMITH: YES, YOUR HONOR.

04:00PM 22 THE COURT: OKAY. DO WE HAVE THE SHEET?

04:00PM 23 THE CLERK: I AM -- I DIDN'T KNOW WHO WAS EXCUSED.

04:00PM 24 THE COURT: OH, NO, GO AHEAD.

04:00PM 25 THE CLERK: OKAY.

04:00PM 1 THE COURT: FINISH THAT, AND WE'LL GIVE YOU THE  
04:00PM 2 SHEET, AND THEN WE'LL START THAT.

04:00PM 3 WELL, ONE THING AT A TIME. LET'S SEE HOW FAR WE GET  
04:00PM 4 TODAY.

04:02PM 5 (PAUSE IN PROCEEDINGS.)

04:07PM 6 THE COURT: YOU CAN START YOUR SELECTION PROCESS.

04:07PM 7 MR. SCHENK: YES.

04:07PM 8 THE COURT: SURE. GO RIGHT AHEAD. THANK YOU.

04:10PM 9 (PAUSE IN PROCEEDINGS PENDING THE JURY SELECTION.)

04:15PM 10 MR. SCHENK: YOUR HONOR, EACH SIDE PASSED, SO I'M  
04:16PM 11 JUST GOING TO WRITE "PASSED" ON THE LINES REPRESENTING THE  
04:16PM 12 PASSES.

04:16PM 13 THE COURT: ALL RIGHT. THANK YOU.

04:16PM 14 IF EACH SIDE HAS PASSED IN SUCCESSION, THEN WE HAVE A  
04:16PM 15 JURY.

04:16PM 16 MR. COOPERSMITH: YES, YOUR HONOR.

04:16PM 17 THE COURT: OKAY.

04:16PM 18 (PAUSE IN PROCEEDINGS.)

04:19PM 19 THE COURT: ALL RIGHT. I HAVE THE SHEET FOR THE 12  
04:19PM 20 JURORS, AND LET ME HAND THIS TO OUR COURTROOM DEPUTY, AND I'LL  
04:20PM 21 ASK HER TO READ THE 12 JURORS WHO HAVE BEEN SELECTED TO SIT AS  
04:20PM 22 JURORS IN THIS CASE, AND PLEASE LISTEN TO THE NUMBERS TO SEE IF  
04:20PM 23 IT COMPORTS WITH YOUR SELECTIONS.

04:20PM 24 THE CLERK: JUROR NUMBER 67 IS JUROR NUMBER 1;  
04:20PM 25 PROSPECTIVE JUROR NUMBER 102 IS JUROR NUMBER 2;

04:20PM 1 PROSPECTIVE JUROR 108 IS JUROR NUMBER 3;

04:20PM 2 PROSPECTIVE JUROR NUMBER 109 IS JUROR NUMBER 4;

04:20PM 3 PROSPECTIVE JUROR NUMBER 114 IS JUROR NUMBER 5;

04:20PM 4 PROSPECTIVE JUROR NUMBER 116 IS JUROR NUMBER 6;

04:20PM 5 PROSPECTIVE JUROR NUMBER 125 IS JUROR NUMBER 7;

04:20PM 6 PROSPECTIVE JUROR NUMBER 129 IS JUROR NUMBER 8;

04:20PM 7 PROSPECTIVE JUROR NUMBER 133 IS JUROR NUMBER 9;

04:20PM 8 PROSPECTIVE JUROR NUMBER 142 IS JUROR NUMBER 10;

04:21PM 9 PROSPECTIVE JUROR NUMBER 167 IS JUROR NUMBER 11;

04:21PM 10 AND PROSPECTIVE JUROR NUMBER 169 IS JUROR NUMBER 12.

04:21PM 11 THE COURT: THANK YOU.

04:21PM 12 MR. SCHENK, DOES THAT COMPORT WITH YOUR CALCULATION?

04:21PM 13 MR. SCHENK: YES, IT DOES.

04:21PM 14 MR. COOPERSMITH: YES, YOUR HONOR.

04:21PM 15 THE COURT: ALL RIGHT. THANK YOU.

04:21PM 16 WOULD YOU NOW LIKE TO BEGIN THE PROCESS FOR THE

04:21PM 17 ALTERNATES?

04:21PM 18 MR. SCHENK: YES, YOUR HONOR.

04:21PM 19 MR. COOPERSMITH: YES.

04:21PM 20 THE COURT: LET'S HAVE YOU DO THAT. THANK YOU.

04:21PM 21 (PAUSE IN PROCEEDINGS PENDING THE ALTERNATE JURY

04:37PM 22 SELECTION.)

04:37PM 23 THE COURT: OKAY. IT APPEARS THAT COUNSEL HAVE

04:37PM 24 CONCLUDED THEIR SELECTION PROCESS FOR THE SIX ALTERNATE JURORS.

04:37PM 25 MR. SCHENK, MR. COOPERSMITH?

04:37PM 1 MR. SCHENK: YES, YOUR HONOR, WE HAVE.

04:37PM 2 MR. COOPERSMITH: YES, YOUR HONOR.

04:37PM 3 THE COURT: ALL RIGHT. THANK YOU.

04:37PM 4 I'LL ASK OUR COURTROOM DEPUTY TO CALL OUT THE JUROR

04:37PM 5 NUMBERS OF THOSE WHO HAVE BEEN SELECTED FOR ALTERNATES.

04:37PM 6 THE CLERK: PROSPECTIVE JUROR NUMBER 170 IS

04:37PM 7 ALTERNATE NUMBER 1;

04:37PM 8 PROSPECTIVE JUROR 185 IS ALTERNATE JUROR NUMBER 2;

04:37PM 9 PROSPECTIVE JUROR 195 IS ALTERNATE JUROR NUMBER 3.

04:38PM 10 MR. SCHENK: 187.

04:38PM 11 THE CLERK: MY APOLOGIES.

04:38PM 12 PROSPECTIVE JUROR 187 IS ALTERNATE JUROR NUMBER 3;

04:38PM 13 PROSPECTIVE JUROR 195 IS ALTERNATE JUROR NUMBER 4;

04:38PM 14 PROSPECTIVE JUROR 197 IS ALTERNATE JUROR NUMBER 5;

04:38PM 15 AND PROSPECTIVE JUROR NUMBER 221 IS -- I'M SORRY, IT'S OUT

04:38PM 16 OF ORDER.

04:38PM 17 PROSPECTIVE JUROR NUMBER 216 IS ALTERNATE JUROR NUMBER 6.

04:38PM 18 THE COURT: MR. SCHENK, DOES THAT -- DO THOSE

04:38PM 19 SELECTIONS COMPORT WITH YOUR RECORDS?

04:38PM 20 MR. SCHENK: YES, THEY DO.

04:38PM 21 THE COURT: MR. COOPERSMITH?

04:38PM 22 MR. COOPERSMITH: YES.

04:38PM 23 THE COURT: ALL RIGHT. THANK YOU.

04:39PM 24 ALL RIGHT. THANK YOU.

04:39PM 25 WHAT I WOULD LIKE TO DO NOW IS TO SUMMON IN THOSE JURORS

04:39PM 1 WHO HAVE BEEN SELECTED TO SIT AS THE 12 MEMBERS OF THE JURY, AS  
04:39PM 2 WELL AS THE 6 MEMBERS WHO HAVE BEEN SELECTED AS MEMBERS OF THE  
04:39PM 3 ALTERNATE JURORS AND SWEAR THEM, HAVE THEM SWORN IN FOR THEIR  
04:39PM 4 SERVICE.

04:39PM 5 TO THE EXTENT THAT THE OTHER PANEL MEMBERS ARE STILL HERE,  
04:39PM 6 PROSPECTIVE JURORS, I'D LIKE TO INVITE THEM TO COME UP, TOO, SO  
04:39PM 7 COUNSEL CAN THANK THEM FOR THEIR PATIENCE.

04:39PM 8 SO LET'S TAKE A BRIEF RECESS TO CALL THOSE FOLKS IN.  
04:39PM 9 MADAM CLERK, I'LL COME OUT IN ABOUT SEVEN MINUTES AND  
04:39PM 10 WE'LL FINISH THIS PROCESS.

04:39PM 11 MR. COOPERSMITH: YOUR HONOR, THE PRELIMINARY  
04:39PM 12 INSTRUCTIONS YOU WILL DO TOMORROW?

04:39PM 13 THE COURT: YES. YES. I'M NOT GOING TO TORTURE  
04:39PM 14 ANYBODY WITH THOSE TODAY, THIS AFTERNOON. IT'S BEEN A FULL  
04:39PM 15 DAY.

04:39PM 16 SO WE'LL ENGAGE THOSE TOMORROW. AFTER THE JURY LEAVES  
04:39PM 17 WE'LL HAVE ANOTHER TALK ABOUT OUR PROTOCOLS.

04:39PM 18 MR. COOPERSMITH: OKAY. THANK YOU, YOUR HONOR.

04:39PM 19 MR. SCHENK: THANK YOU.

04:40PM 20 (RECESS FROM 4:40 P.M. UNTIL 4:48 P.M.)

04:48PM 21 (PROSPECTIVE JURY PANELS IN AT 4:48 P.M.)

04:56PM 22 THE COURT: WE ARE BACK ON THE RECORD IN THE BALWANI  
04:56PM 23 MATTER. ALL COUNSEL ARE PRESENT. MR. BALWANI IS PRESENT, AND  
04:56PM 24 OUR PROSPECTIVE JURORS ARE PRESENT.

04:56PM 25 LADIES AND GENTLEMEN, THANK YOU SO MUCH FOR YOUR PATIENCE.

04:56PM 1 WE HAVE COMPLETED THE PROCESS OF JURY SELECTION, AND FOR OUR  
04:56PM 2 JURY, OUR 12 MEMBERS, AS WELL AS OUR ALTERNATE JURORS, AND I  
04:56PM 3 HAVE ASKED THAT THOSE JURORS WHO HAVE BEEN SELECTED TO SIT AS  
04:56PM 4 JURORS IN THIS CASE BE PLACED IN THE JURY BOX ACCORDING TO THE  
04:56PM 5 SELECTION PROCESS.

04:56PM 6 THOSE OF YOU WHO ARE IN THE JURY BOX, BOTH OUTSIDE AND  
04:56PM 7 INSIDE THE BOX, IF YOU WOULD PLEASE STAND AND RAISE YOUR RIGHT  
04:56PM 8 HAND, OUR COURTROOM DEPUTY HAS A QUESTION FOR YOU.

04:56PM 9 (SELECTED JURORS WERE GIVEN THE OATH.)

04:57PM 10 JURORS: YES.

04:57PM 11 THE COURT: THANK YOU. PLEASE BE SEATED.

04:57PM 12 I'M GOING TO ASK THOSE JURORS WHO HAVE BEEN SELECTED AS  
04:57PM 13 ALTERNATE JURORS WHO ARE NOW SEATED IN THE ALTERNATE SEATS IF  
04:57PM 14 YOU WOULD PLEASE STAND, THERE'S A SPECIAL OATH FOR YOU. IF YOU  
04:57PM 15 WOULD PLEASE STAND AND RAISE YOUR RIGHT HAND.

04:57PM 16 (SELECTED ALTERNATE JURORS WERE GIVEN THE OATH.)

04:57PM 17 ALTERNATE JURORS: YES.

04:57PM 18 THE COURT: THANK YOU VERY MUCH, LADIES AND  
04:57PM 19 GENTLEMEN. PLEASE BE SEATED.

04:57PM 20 AND I WANT TO THANK YOU ALL FOR YOUR PATIENCE TODAY AND  
04:57PM 21 YESTERDAY. IT'S BEEN A LONG TWO DAYS.

04:58PM 22 AND I'M GRATEFUL ON BEHALF OF THE LAWYERS AND THEIR TEAMS  
04:58PM 23 AND MYSELF AND MY TEAM, I WANT TO THANK YOU FOR YOUR PATIENCE  
04:58PM 24 AGAIN, AND YOUR DILIGENCE IN THIS PROCESS.

04:58PM 25 WHAT I'M GOING TO DO IN JUST A MOMENT IS TO RELEASE THOSE

04:58PM 1 INDIVIDUALS IN THE AUDIENCE WHO WERE NOT SELECTED, AND THEN I'M  
04:58PM 2 GOING TO KEEP YOU FOR JUST A FEW MOMENTS, FOLKS, AND GIVE YOU  
04:58PM 3 AN ADMONITION THAT I TALKED TO YOU ABOUT. I'LL TELL YOU A  
04:58PM 4 LITTLE BIT ABOUT WHAT IS GOING TO HAPPEN.

04:58PM 5 MS. ROBINSON MAY TAKE YOU IN THE BACK TO ANSWER ANY  
04:58PM 6 QUESTIONS THAT YOU MIGHT HAVE, BUT I DON'T WANT TO KEEP YOU TOO  
04:58PM 7 LATE.

04:58PM 8 LADIES AND GENTLEMEN, THOSE OF YOU WHO WERE NOT SEATED,  
04:58PM 9 AND I SEE YOU BEHIND THERE, I WANT TO THANK YOU ALSO FOR YOUR  
04:58PM 10 PATIENCE.

04:58PM 11 I KNOW THAT YOU WERE EARNEST IN YOUR ANSWERS, YOU WERE  
04:58PM 12 DILIGENT IN STAYING AND ANSWERING QUESTIONS. I APPRECIATE YOUR  
04:58PM 13 CANDOR.

04:58PM 14 AGAIN, ON BEHALF OF COUNSEL HERE, I DO THANK YOU FOR YOUR  
04:59PM 15 SERVICE.

04:59PM 16 I HOPE, I HOPE THAT YOU APPRECIATED, ALTHOUGH YOU WEREN'T  
04:59PM 17 SELECTED TO SIT ON THIS JURY, I HOPE THAT YOU ENJOYED THE  
04:59PM 18 SELECTION PROCESS AND THAT IN THIS PROCESS YOU WERE ABLE TO  
04:59PM 19 PARTICIPATE IN YOUR JUSTICE SYSTEM.

04:59PM 20 YOU KNOW, I MENTIONED IN MY EARLIER COMMENTS TODAY AND  
04:59PM 21 YESTERDAY THE IMPORTANCE OF JURY SERVICE, THE IMPORTANCE OF  
04:59PM 22 YOUR COURT'S ACTIVITIES PERHAPS NOW MORE THAN EVER GIVEN THE  
04:59PM 23 WORLD CLIMATE AND THE WORLD SITUATION.

04:59PM 24 YOU KNOW, THERE ARE COUNTRIES AROUND THE WORLD WHO HAVE  
04:59PM 25 DEMOCRATIC GOVERNMENTS. THEY HAVE COURTS OF LAW LIKE OUR



04:59PM 1 COURTS.

04:59PM 2 I SHOULD TELL YOU THAT OUR COUNTRY IS CRITICIZED. IT  
04:59PM 3 RECEIVES CRITICISM FROM TIME TO TIME FROM VARIOUS PARTS OF THE  
04:59PM 4 WORLD, AND WE'RE CRITICIZED FOR MANY THINGS THAT THIS COUNTRY  
04:59PM 5 DOES IN OTHER PEOPLE'S VIEWS.

05:00PM 6 BUT ONE THING, ONE THING THAT IS CONSTANT, YOU WILL NOT  
05:00PM 7 HEAR, YOU WILL NOT HEAR CRITICISM OF OUR JUSTICE SYSTEM, A  
05:00PM 8 SYSTEM THAT ALLOWS LAWSUITS TO COME FORWARD, THAT ALLOWS  
05:00PM 9 MEMBERS OF THE COMMUNITY TO COME AND LITIGATE CASES IN FRONT OF  
05:00PM 10 FAIR AND IMPARTIAL JURORS, THE ABILITY TO SUE ONE'S GOVERNMENT  
05:00PM 11 SHOULD AN INDIVIDUAL FEEL THAT THAT'S APPROPRIATE.

05:00PM 12 THIS IS SOMETHING THAT IS FOREIGN TO MANY, MANY COUNTRIES  
05:00PM 13 AROUND THE WORLD, AND OUR JUSTICE SYSTEM IS SOUGHT TO BE  
05:00PM 14 EMULATED BY COUNTRIES AROUND THE WORLD.

05:00PM 15 I SHOULD TELL YOU THAT COLLEAGUES OF MINE ARE ALSO CALLED  
05:00PM 16 UPON TO TRAVEL TO VARIOUS PARTS OF THE COUNTRY TO SHARE, TO  
05:00PM 17 HELP THOSE COUNTRIES WHO ARE SEEKING TO DEVELOP A FAIR JUSTICE  
05:00PM 18 SYSTEM AND TO GIVE THEM GUIDANCE IN HOW TO DO THAT.

05:00PM 19 THIS TRAVEL IS NOT TO EXOTIC PLACES LIKE PARIS OR OTHER  
05:00PM 20 CITIES LIKE THIS. THIS TRAVEL TAKES MY COLLEAGUES TO OTHER  
05:01PM 21 PARTS OF THE UNDEVELOPED WORLD AND COUNTRIES. THEY'RE NOT  
05:01PM 22 EXOTIC TRIPS TO FANCY PLACES AND RESORTS, BUT THEY ARE TRIPS  
05:01PM 23 THAT JUDGES MAKE TO THESE PARTS OF THE WORLD THAT ARE TRYING TO  
05:01PM 24 DEVELOP A SYSTEM IN THEIR OWN WAY THAT EMULATES YOUR SYSTEM.

05:01PM 25 SO YOU SHOULD BE PROUD. I HOPE YOU'RE PROUD OF YOUR

05:01PM 1 SERVICE OF COMING TO COURT TODAY, THOUGH YOU WEREN'T SELECTED.  
05:01PM 2 MY SENSE IS THAT YOU WILL BE CALLED AGAIN, AND I HOPE THOSE OF  
05:01PM 3 YOU -- I'M SPEAKING TO THOSE OF YOU IN THE AUDIENCE -- I HOPE  
05:01PM 4 THAT YOU, ONCE AGAIN, WOULD RISE TO THAT CALL AND PARTICIPATE  
05:01PM 5 IN YOUR JUSTICE SYSTEM.

05:01PM 6 I AM AT THIS TIME GOING TO EXCUSE THOSE OF YOU WHO WERE  
05:01PM 7 NOT SELECTED, WHO ARE NOT SEATED HERE. YOU'RE EXCUSED RIGHT  
05:01PM 8 NOW, AND LET ME -- ON BEHALF OF ALL OF MY COLLEAGUES IN THE  
05:01PM 9 NORTHERN DISTRICT OF CALIFORNIA, I WANT TO THANK YOU FOR YOUR  
05:01PM 10 SERVICE.

05:01PM 11 I DO WANT TO ASK JUROR 131 TO REMAIN THOUGH FOR JUST A  
05:02PM 12 MOMENT.

05:02PM 13 BUT THE REST OF YOU CAN LEAVE. THANK YOU VERY MUCH.

05:02PM 14 THE ALTERNATES SHOULD STAY, THE ALTERNATES SHOULD STAY.

05:02PM 15 JUROR: SORRY ABOUT THAT.

05:02PM 16 THE COURT: THANK YOU. THANK YOU. PLEASE BE  
05:02PM 17 SEATED.

05:02PM 18 AND JUROR NUMBER 131, IF YOU COULD COME FORWARD, WE'LL  
05:02PM 19 GIVE YOU A MICROPHONE IF IT'S HERE.

05:02PM 20 THANK YOU, JUROR NUMBER 131. I JUST WANTED TO COMMENT FOR  
05:03PM 21 A MOMENT. JUROR 131, I RECEIVED AN EMAIL THAT WAS SENT, THAT  
05:03PM 22 YOU SENT REGARDING YOUR JURY SERVICE, AND THEN TODAY I RECEIVED  
05:03PM 23 A TWO-PAGE LETTER FROM YOUR EMPLOYER REGARDING YOUR JURY  
05:03PM 24 SERVICE.

05:03PM 25 AND I JUST -- DID YOUR EMPLOYER PREPARE THIS LETTER AND

05:03PM 1 ASK YOU TO BRING IT TO ME?

05:03PM 2 PROSPECTIVE JUROR: WE DISCUSSED THIS YESTERDAY, AND  
05:03PM 3 THEY SAID IF YOU WANT TO, WE WILL WRITE THE LETTER. THEY  
05:03PM 4 WEREN'T SURE IF THIS WOULD MAKE ANY CHANGE.

05:03PM 5 THE COURT: COULD YOU PLEASE HOLD THE MICROPHONE?

05:03PM 6 PROSPECTIVE JUROR: THEY WEREN'T SURE THAT THERE  
05:03PM 7 WOULD BE ANY CHANGE IN YOUR DECISION. IT WAS EXPRESSING THE  
05:03PM 8 ISSUES THAT WE HAD.

05:03PM 9 THE COURT: DID YOUR EMPLOYER TO ASK YOU TO BRING  
05:03PM 10 THIS LETTER TO ME?

05:03PM 11 PROSPECTIVE JUROR: NO.

05:03PM 12 THE COURT: OH. DID YOU BRING THE LETTER?

05:03PM 13 PROSPECTIVE JUROR: I BROUGHT THE LETTER.

05:04PM 14 THE COURT: I WAS CURIOUS IF YOUR EMPLOYER --

05:04PM 15 PROSPECTIVE JUROR: NO, NO.

05:04PM 16 THE COURT: I WAS CURIOUS IF YOUR EMPLOYER, AFTER  
05:04PM 17 YOU TOLD YOUR EMPLOYER ABOUT YOUR JURY SERVICE, IF YOUR  
05:04PM 18 EMPLOYER THEN WROTE THE LETTER AND TOLD YOU TO BRING THE LETTER  
05:04PM 19 TO COURT?

05:04PM 20 IS THAT WHAT HAPPENED?

05:04PM 21 PROSPECTIVE JUROR: NO. THEY SAID, WE CAN WRITE YOU  
05:04PM 22 A LETTER TO SUPPORT, YOU KNOW, THE ACTION. BUT THEY DIDN'T SAY  
05:04PM 23 YOU HAVE TO GIVE THE LETTER.

05:04PM 24 THE COURT: I SEE. OKAY.

05:04PM 25 I ASK THIS QUESTION BECAUSE THIS IS SOMETHING THAT I'VE

05:04PM 1 NEVER EXPERIENCED BEFORE, AN EMPLOYER WRITING A LETTER LIKE  
05:04PM 2 THIS.

05:04PM 3 THE EMPLOYER SUGGESTS THAT YOUR SERVICE ON THIS JURY WOULD  
05:04PM 4 BE AN INCONVENIENCE TO THEM, TO YOUR EMPLOYER.

05:04PM 5 THEY TALK IN THE LETTER, THIS GENTLEMAN WHO IS AN  
05:04PM 6 ASSOCIATE PRINCIPAL, TALKS IN THE LETTER ABOUT NEGATIVELY  
05:04PM 7 AFFECTING DELIVERABLES, AND IT WOULD BE AN UNDUE HARDSHIP ON  
05:05PM 8 THE ORGANIZATION. THAT'S WHAT THE LETTER SAYS.

05:05PM 9 I'M CERTAIN YOU'VE READ THE LETTER.

05:05PM 10 PROSPECTIVE JUROR: YEAH, AND I UNDERSTAND THE  
05:05PM 11 SITUATION AND THEY SAID, YOU KNOW, IT'S REALLY HARD FOR THEM,  
05:05PM 12 BUT THEY COULD JUST DO WHAT THEY CAN.

05:05PM 13 THE COURT: RIGHT. WELL, THAT'S NOT WHAT THE LETTER  
05:05PM 14 SAYS.

05:05PM 15 THE LETTER SAYS SOMETHING ELSE.

05:05PM 16 I'M NOT GOING TO -- YOU'RE NOT A JUROR IN THIS CASE, BUT I  
05:05PM 17 JUST -- IF YOU CAN PASS ON MY OBSERVATIONS, I FELT THAT THIS  
05:05PM 18 ASSOCIATE PRINCIPAL WHO WROTE THIS LETTER, MY FIRST THOUGHT WAS  
05:05PM 19 THAT I SHOULD SUMMON HIM TO COURT SO HE HAS AN OPPORTUNITY TO  
05:05PM 20 SPEAK TO ME PERSONALLY, AND I THOUGHT I SHOULD SEND THE  
05:05PM 21 UNITED STATES MARSHAL OUT TO RETRIEVE HIM AND BRING HIM HERE.

05:05PM 22 PROSPECTIVE JUROR: HE'S A VERY NICE MAN.

05:05PM 23 THE COURT: I EXPECT HE IS. I'M SURE I WOULD FIND  
05:05PM 24 THAT WHEN HE WOULD COME TO COURT TO TALK TO ME. I'M SURE I  
05:06PM 25 WOULD SHARE THAT JOY IN HIS COMPANY.

05:06PM 1 BUT I JUST WANTED YOU TO KNOW I RECEIVED THIS LETTER, AND  
05:06PM 2 I'VE NEVER HAD A LETTER LIKE THIS BEFORE SENT, THESE LETTERS  
05:06PM 3 REGARDING EXCUSAL, AND I'M NOT SURE OF THE APPROPRIATENESS OF  
05:06PM 4 THIS. BUT I HAVE THE LETTER, YOU CAN TELL YOUR ASSOCIATE  
05:06PM 5 PRINCIPAL, AND SHARE WITH HIM MY COMMENTS.

05:06PM 6 THANK YOU VERY MUCH. HAVE A GOOD DAY.

05:06PM 7 LADIES AND GENTLEMEN OF THE JURY, AND OUR ALTERNATES, I  
05:06PM 8 WANT TO THANK YOU.

05:06PM 9 PLEASE BE SEATED. THANK YOU, COUNSEL.

05:06PM 10 I WANT TO THANK YOU AGAIN FOR YOUR PATIENCE. I TOLD YOU  
05:06PM 11 WE END AT 3:00, AND HERE IT IS WE'RE PAST 5:00 O'CLOCK AND I  
05:06PM 12 APOLOGIZE FOR THAT.

05:06PM 13 LET ME TELL YOU, I WANTED TO DO WHATEVER I COULD DO TO GET  
05:06PM 14 THIS PROCESS STARTED SO WE CAN BEGIN THE TRIAL IN EARNEST.

05:06PM 15 IN JUST A MOMENT I'M GOING TO EXCUSE YOU FOR THE EVENING  
05:06PM 16 AND ALLOW YOU TO GO HOME.

05:06PM 17 WE'RE GOING TO START AGAIN TOMORROW AT 9:00 A.M., AND I  
05:07PM 18 WILL AT THAT POINT -- TOMORROW MORNING I INTEND TO PRE-INSTRUCT  
05:07PM 19 YOU, GIVE YOU SOME PRE-INSTRUCTIONS. THAT WILL PROBABLY BE  
05:07PM 20 ABOUT 20 MINUTES LONG, SOMETHING LIKE THAT.

05:07PM 21 I'LL THEN ASK THESE LAWYERS IF THEY HAVE OPENING  
05:07PM 22 STATEMENTS TO MAKE. RECALL I TALKED TO YOU ABOUT WHAT THE  
05:07PM 23 OPENING STATEMENTS WERE.

05:07PM 24 I EXPECT THEY WILL, THEY MAY, AND YOU WILL HEAR FROM THEM.  
05:07PM 25 IF THEY DON'T, THEN WE'LL JUST START WITH EVIDENCE.

05:07PM 1 AFTER THE OPENING STATEMENTS, I'LL TURN TO THE GOVERNMENT  
05:07PM 2 AND ASK THEM IF THEY HAVE WITNESSES TO CALL, AND WE'LL START  
05:07PM 3 THE TRIAL THEN IN EARNEST.

05:07PM 4 LET ME TELL YOU, LADIES AND GENTLEMEN, I'M GOING TO NOW  
05:07PM 5 READ YOU THE ADMONITION THAT I WILL READ TO YOU AT THE END OF  
05:07PM 6 EACH DAY.

05:07PM 7 IN THE MORNING EACH DAY, I INTEND TO ASK YOU ANOTHER  
05:07PM 8 QUESTION ABOUT THIS ADMONITION, AND THAT IS WHETHER, IN THE  
05:07PM 9 TIME THAT YOU LEFT COURT AND IN THE TIME THAT YOU'VE RETURNED,  
05:07PM 10 YOU WERE EXPOSED TO ANYTHING MEDIA, READING, DISCUSSIONS, OR  
05:07PM 11 ANY VIDEO ABOUT THIS CASE.

05:08PM 12 AND IF YOU HAVE, IF YOU WERE EXPOSED TO IT, YOU WILL RAISE  
05:08PM 13 YOUR HAND, AND WE'LL TALK ABOUT THAT.

05:08PM 14 SO PLEASE LISTEN CLOSELY.

05:08PM 15 AS I INDICATED BEFORE THIS TRIAL STARTED, YOU, AS JURORS,  
05:08PM 16 WILL DECIDE THIS CASE BASED SOLELY ON THE EVIDENCE PRESENTED IN  
05:08PM 17 THE COURTROOM.

05:08PM 18 THIS MEANS THAT AFTER YOU LEAVE HERE FOR THE NIGHT, YOU  
05:08PM 19 MUST NOT CONDUCT ANY INDEPENDENT RESEARCH ABOUT THIS CASE, THE  
05:08PM 20 MATTERS IN THE CASE, THE LEGAL ISSUES IN THE CASE, OR THE  
05:08PM 21 INDIVIDUALS OR OTHER ENTITIES INVOLVED IN THE CASE.

05:08PM 22 THIS IS IMPORTANT FOR THE SAME REASONS THAT JURORS HAVE  
05:08PM 23 LONG BEEN INSTRUCTED TO LIMIT THEIR EXPOSURE TO TRADITIONAL  
05:08PM 24 FORMS OF MEDIA INFORMATION, SUCH AS TELEVISION AND NEWSPAPERS.

05:08PM 25 YOU MUST ALSO NOT COMMUNICATE WITH ANYONE IN ANY WAY ABOUT

05:08PM 1 THIS CASE, AND YOU MUST IGNORE ANY INFORMATION ABOUT THE CASE  
05:09PM 2 THAT YOU MIGHT SEE WHILE BROWSING THE INTERNET OR ON YOUR  
05:09PM 3 SOCIAL MEDIA FEEDS.

05:09PM 4 THIS CASE MUST BE DECIDED SOLELY AND EXCLUSIVELY ON THE  
05:09PM 5 EVIDENCE WHICH IS RECEIVED HERE IN COURT AND IN ACCORDANCE WITH  
05:09PM 6 MY INSTRUCTIONS TO YOU AT THE CLOSE OF THE CASE ABOUT THE LAW  
05:09PM 7 YOU MUST APPLY TO THE EVIDENCE.

05:09PM 8 AS I HAVE TOLD YOU, THE PARTIES HAVE A CONSTITUTIONAL  
05:09PM 9 RIGHT TO A VERDICT THAT RESTS SOLELY ON THE EVIDENCE PRESENTED  
05:09PM 10 AT TRIAL.

05:09PM 11 IF YOU HAPPEN TO READ OR HEAR ANYTHING TOUCHING ON THIS  
05:09PM 12 CASE IN THE MEDIA, TURN AWAY AND REPORT IT TO ME AS SOON AS  
05:09PM 13 POSSIBLE.

05:09PM 14 LADIES AND GENTLEMEN, I EXPECT THAT IN THE PRELIMINARY  
05:09PM 15 INSTRUCTIONS TOMORROW I'M ALSO GOING TO INSTRUCT YOU TO, TO THE  
05:09PM 16 EXTENT THAT YOU CAN, TO DISABLE OR TURN OFF ANY PUSH OR NEWS  
05:10PM 17 FEEDS THAT AUTOMATICALLY REPORT TO YOUR DEVICES AS A WAY TO  
05:10PM 18 MINIMIZE AND OTHERWISE MITIGATE YOUR EXPOSURE TO THIS  
05:10PM 19 INFORMATION, AND YOU'LL HEAR ME TALK ABOUT THAT.

05:10PM 20 SO IN A NUTSHELL, DO NOT EXPOSE YOURSELF, DO NOT DO ANY  
05:10PM 21 RESEARCH, DO NOT CONDUCT ANY RESEARCH, DO NOT GO TO ANY  
05:10PM 22 LOCATION THAT IS MENTIONED IN THIS TRIAL, AND DO NOT IN ANY WAY  
05:10PM 23 TRY TO INFORM YOURSELF ABOUT ANY OF THE PARTIES HERE, ANY OF  
05:10PM 24 THESE ISSUES, OR ANYTHING ABOUT THIS CASE.

05:10PM 25 ALL RIGHT. THANK YOU.

05:10PM 1 ANYTHING FURTHER, COUNSEL, BEFORE WE END OUR SESSION FOR  
05:10PM 2 THE DAY?

05:10PM 3 MR. SCHENK: NO. THANK YOU.

05:10PM 4 THE COURT: MR. COOPERSMITH?

05:10PM 5 MR. COOPERSMITH: NO, YOUR HONOR. THANK YOU.

05:10PM 6 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

05:10PM 7 AND DO YOU WISH, MS. ROBINSON, TO CHAT WITH THESE JURORS  
05:10PM 8 FOR JUST A SECOND?

05:10PM 9 MS. ROBINSON WILL BE ABLE TO ANSWER SOME QUESTIONS THAT  
05:10PM 10 YOU MIGHT HAVE ABOUT PARKING AND OTHER THINGS. I THINK SHE'LL  
05:10PM 11 TAKE YOUR BREAKFAST REQUESTS AS WELL.

05:10PM 12 (LAUGHTER.)

05:10PM 13 THE COURT: SO WE'LL SEE YOU TOMORROW AT 9:00 A.M.  
05:11PM 14 THANK YOU VERY MUCH, LADIES AND GENTLEMEN.  
05:11PM 15 COUNSEL, IF YOU COULD REMAIN, PLEASE.

05:11PM 16 (JURY OUT AT 5:11 P.M.)

05:11PM 17 JUROR: DO WE TAKE THEM OR DO WE LEAVE THEM?

05:11PM 18 THE COURT: YOU CAN TAKE THEM.  
05:11PM 19 CAN YOU TAKE THEM BACK TO THE JURY ROOM TO HAVE THAT  
05:11PM 20 DISCUSSION.

05:11PM 21 THE CLERK: SURE. ALL RIGHT.  
05:11PM 22 LET'S GO BACK THIS WAY.

05:12PM 23 THE COURT: THANK YOU. PLEASE BE SEATED. THE  
05:12PM 24 RECORD SHOULD REFLECT THAT OUR JURY AND ALTERNATES HAVE LEFT  
05:12PM 25 THE ROOM FOR THE JURY ROOM.



05:12PM 1 COUNSEL, THANK YOU VERY MUCH FOR YOUR PATIENCE TODAY. I  
05:12PM 2 APPRECIATE YOUR EFFORTS. IT'S A LONG DAY.  
05:12PM 3 I DON'T THINK ANY OF YOU GOT LUNCH. I DID NOTICE THAT,  
05:12PM 4 BUT THANK YOU.  
05:12PM 5 ANYTHING THAT WE SHOULD DISCUSS ABOUT TOMORROW,  
05:12PM 6 MR. SCHENK?  
05:12PM 7 MY SENSE IS THAT WE'LL PROCEED AS I SUGGESTED. I WILL  
05:12PM 8 PRELIMINARY INSTRUCT THE JURY.  
05:12PM 9 I WILL THEN ASK IF THE GOVERNMENT HAS ANY OPENING  
05:12PM 10 STATEMENT.  
05:12PM 11 AT THE CONCLUSION OF THE GOVERNMENT'S OPENING STATEMENT,  
05:12PM 12 I'LL ASK IF THE DEFENSE HAS A STATEMENT TO MAKE.  
05:13PM 13 IF YOU DO, WE'LL RECEIVE THAT.  
05:13PM 14 IF NOT, I'LL CALL ON THE GOVERNMENT TO CALL A WITNESS.  
05:13PM 15 I ASSUME YOU'LL HAVE WITNESSES AVAILABLE?  
05:13PM 16 MR. SCHENK: YES, YOUR HONOR.  
05:13PM 17 WE HAVE ONE WITNESS AVAILABLE TOMORROW. WE HAVE ALREADY  
05:13PM 18 SHARED THE NAME WITH THE DEFENSE.  
05:13PM 19 WE'RE DOING OUR BEST TO CALIBRATE HOW LONG THE  
05:13PM 20 CROSS-EXAMINATIONS WILL BE AND HOW MANY WITNESSES WE NEED FOR  
05:13PM 21 EACH DAY.  
05:13PM 22 I JUST WANTED THE INFORM THE COURT THAT WE HAVE ONLY ONE  
05:13PM 23 TOMORROW. I DON'T THINK WE'LL GET THROUGH THE WITNESS. BUT  
05:13PM 24 JUST SO THE COURT KNOWS OUR SCHEDULE, WE HAVE ONE TOMORROW.  
05:13PM 25 THE COURT: ALL RIGHT. THANK YOU.

05:13PM 1 MR. COOPERSMITH: JUST TO CLARIFY, DOES THE  
05:13PM 2 GOVERNMENT EVEN THINK THAT THEY'LL GET THROUGH THE DIRECT OF  
05:13PM 3 THE WITNESS TOMORROW?

05:13PM 4 MR. BOSTIC: YES.

05:13PM 5 MR. SCHENK: YES.

05:13PM 6 MR. COOPERSMITH: OKAY. SO THERE WE GO.

05:13PM 7 AND THEN WE HAVE THURSDAY OFF, AND THEN FRIDAY WE'LL START  
05:13PM 8 WITH -- IT PROBABLY WILL BE THE RESUMPTION OF CROSS BECAUSE I  
05:13PM 9 EXPECT I'LL HAVE MORE CROSS THAN WHATEVER TIME WE HAVE LEFT  
05:13PM 10 TOMORROW.

05:13PM 11 THE COURT: OKAY. FAIR ENOUGH.

05:13PM 12 YOU'VE DISCUSSED WITH MS. ROBINSON ISSUES ABOUT EXHIBITS  
05:13PM 13 AND ALL OF THAT I TAKE IT; RIGHT?

05:14PM 14 MR. COOPERSMITH: WE HAVE. WE HAVE HAD THAT  
05:14PM 15 DISCUSSION, YOUR HONOR, YES.

05:14PM 16 THE COURT: ALL RIGHT. ANYTHING ELSE WE SHOULD  
05:14PM 17 DISCUSS BEFORE TOMORROW?

05:14PM 18 MR. SCHENK: NOTHING FROM THE GOVERNMENT.

05:14PM 19 MR. COOPERSMITH: NOTHING FROM THE DEFENSE,  
05:14PM 20 YOUR HONOR.

05:14PM 21 THE COURT: OKAY. WE WILL HAVE THE DESIGNATED AREAS  
05:14PM 22 RESERVED FOR YOUR PARTIES AS WE INDICATED, AND THERE'S A ROW  
05:14PM 23 RESERVED FOR THE COURT AS WELL, AND WE'LL JUST SEE WHERE THAT  
05:14PM 24 TAKES US.

05:14PM 25 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

05:14PM 1 THE COURT: ALL RIGHT. THANK YOU. HAVE A GOOD  
05:14PM 2 EVENING. THANK YOU AGAIN FOR YOUR EFFORTS TODAY.  
05:14PM 3 MR. COOPERSMITH: YES. THANK YOU, YOUR HONOR.  
05:14PM 4 MR. SCHENK: THANK YOU, YOUR HONOR.  
05:14PM 5 (COURT ADJOURNED AT 5:14 P.M.)

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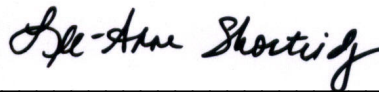
CERTIFICATE OF REPORTERS

WE, THE UNDERSIGNED OFFICIAL COURT REPORTERS OF THE  
UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
CALIFORNIA, 280 SOUTH FIRST STREET, SAN JOSE, CALIFORNIA, DO  
HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT, CERTIFICATE INCLUSIVE, IS  
A CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE  
ABOVE-ENTITLED MATTER.



IRENE RODRIGUEZ, CSR, CRR  
CERTIFICATE NUMBER 8076



LEE-ANNE SHORTRIDGE, CSR, CRR  
CERTIFICATE NUMBER 9595

DATED: MARCH 15, 2022